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HISTORICAL REVIEW

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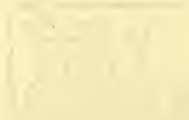
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THE ENGLISH HISTORICAL REVIEW

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Ancient Rome and Ireland

THE Kelts are the spiritual heirs of the Roman empire more truly even than the Italians or the Romaic Greeks. Nearly every Keltic tribe in central and western Europe fell under Roman rule, accepted Roman culture, used Roman speech, and, save where it perished before Slavonic assault, preserved Roman civilization to later Europe. One land alone remained Keltic and not Roman. Far out in the western ocean, cut off from European influence not only by the sea but also by the wild highlands of western Britain,¹ Ireland remained untouched and independent throughout the four centuries of Roman imperial rule over Britain, Spain, and Gaul. It was not till after the fall of the empire in the west that Ireland came to influence the religion and the art of the continent. That development is so remarkable and its results so far-reaching that it deserves all attention. Even the antecedents which led to it may have an importance for wider circles of students than mere Romanists. I propose in the following pages to sketch the relations, such as they were, between Ireland and the empire while the empire was still strong in the west.

These relations began in the later years of the first century of the Christian era. It is plain from the references to Ireland in Greek and Roman writers before this date, that they knew little more than the facts that the island existed, that its grass was rich and its rain excessive. Somewhat fuller knowledge came when Frontinus began and Agricola put the last touch to the final conquest of Wales, and when the Roman arms spread Roman rule along the western coast of Britain into Scotland (about A. D. 72-85). Agricola had even the idea of conquering

¹ The difference between the lowlands of southern, eastern, and central Britain and the uplands of the west and north decided not only the course of the Roman conquest (Mommson, *Röm. Gesch.*, v. 162), but also the development of the province itself (see my *Romanization of Roman Britain* (ed. 1912), pp. 20, 63).

the island. He was an optimist, the first of the countless optimists who have planned a future for Ireland. He believed that the whole of it could be conquered and kept with one legion and a few auxiliaries, that is, 7,000–8,000 men. If it were conquered, he thought that it would form a link between Britain, Spain, and Gaul, and connect closer together 'a very strong part of the empire', namely, its western provinces.² How little he knew of Ireland is incidentally illustrated not only by his optimism, but by his geographical idea that Ireland lay directly between Britain and Spain.

Whether he went beyond the idea of invading Ireland has been disputed. Tacitus, however, does not suggest by even the merest phrase that an invasion actually took place, and the total absence in Ireland of Roman remains of Agricola's time, save for one single coin (no. 7, below), is fairly conclusive.³ Indeed, Tacitus knows very little more of Britain than his predecessors. The one statement which he adds to those of earlier date is the remark, somewhat spoilt in transmission to us but nevertheless intelligible, that the approaches to Ireland and its harbours were known through commerce and traders.⁴ Who these traders were, and whence they came, he does not say. But if we pass on to the next writer who mentions ancient Ireland, we seem to find the same fact before us. Ptolemy, who wrote towards the middle of the second century, and who preserves sometimes the knowledge of his own day and sometimes that of a writer who lived but a short time before him and may have been his elder contemporary, devotes a special chapter to Ireland. He mentions ten 'cities', of which seven are said to be inland, but of the seven two are called Regia and are obviously the capitals of chiefs about which Ptolemy knew nothing, and which may have been introduced to the greater glory of Ireland. He mentions further sixteen tribes, four of which repeat names of cities in their own names. He enumerates, lastly, six headlands and

² Tac. *Agr.* 24: 'Eam partem Britanniae quae Hiberniam aspicit copiis instruxit, in spem magis quam ob formidinem, si quidem Hibernia medio inter Britanniam atque Hispaniam sita et Gallico quoque mari opportuna valentissimam imperii partem magnis in vicem usibus miscuerit.' The meaning of *val. imp. partem* is fixed both by the context here and by *Hist.* iii. 53. The rendering of these words given by Zimmer (see below), 'Since Ireland stands in active trade relations with the strongest part of our Empire, namely Gaul,' seems to me to limit *partem* unduly, and to take *miscuerit* in an absolutely impossible way.

³ Pfitzner, *Ist Irland jemals von einem röm. Heere betreten worden?* (Neustrelitz, 1893) and *Jahrb. für Phil.*, cliii. 560, as well as Gudemann, *Classical Review*, xi. 328, xiv. 51, argue that a real invasion took place. I cannot think that their arguments, which are purely linguistic, have any weight, and they are almost the only serious writers who have held this opinion.

⁴ Tac. *Agr.* 24: 'in melius aditus portusque per commercia et negotiatores cogniti.' So the MSS. Halm reads *interiora parum*; *melius* &c.; others omit the *in*. The true remedy is not clear. Fortunately the point is of no great importance to the historian.

fifteen estuaries. The identification of these forty-seven names is not easy. A few can be equated with medieval or modern names with some certainty. Others are wholly doubtful. But we know enough to see that Ptolemy's knowledge of the south and west coast was less than his knowledge of the north and east. Nearly half of his names belong to the northern two-thirds of the east coast, and to the eastern part of the north coast, and these form by no means half of the whole coast-line. Of Connaught and Munster, and even of southern Leinster and western Ulster, he was plainly very ill informed. What he had heard must have been learnt almost entirely from traders, and his details thus represent the commercial situation a generation or so after Agricola.

After Ptolemy silence falls on the island for two centuries. It is practically not mentioned again in Roman literature until after 300, and references only become common towards the end of the fourth century, when Irish tribes known under the collective name of Scoti or Scotti were invading Britain. An attempt has been made to fill the gap from conjecture. It has been suggested by the late Professor H. Zimmer⁵ that during these centuries, and indeed before them, a lively sea-borne trade, mainly, though not solely, in wine, connected southern Ireland directly with western Gaul. The suggestion is of course quite possible. But it is not probable. That seamen of Roman or early medieval times were capable of voyaging from Gaul to Ireland is unquestionable. That they were fond of such voyages, or undertook them often, is less clear. The Barbary corsairs in the seventeenth century carried off slaves from the coasts of Iceland. But the occasions of their raids were very few. About A.D. 600 a trading ship of Alexandria sailed to Britain, discharged there a cargo of corn, and brought back a cargo of tin. But the voyage is represented by its contemporary historian as needing, or at least enjoying, the special and miraculous aid of a saint. Although, therefore, intercourse by direct sea passage between the coasts of France and the coasts of the Irish Sea may well have existed in many ages, and though Dr. Zimmer can cite a few medieval instances and these might be increased in number,⁶ we are not required to believe that it

⁵ Zimmer, *Sitzungsber. der kgl. preuss. Akad.*, 1909, 365 ff.: 'Über direkte Handelsverbindungen Westgalliens mit Irland im Altertum und frühen Mittelalter.' Some criticisms on other parts of Zimmer's paper are given by Levison, *Historische Zeitschrift*, cix. 1, and Krusch, *Neues Archiv*, xxxv. 274.

⁶ The Bodleian MS., *Liber Luciani de laude Cestriae*, of about A.D. 1200, lately edited by Miss M. Taylor, speaks of direct trade in wine between Chester and Aquitaine. In prehistoric times the distribution of certain forms of ornaments, such as the gold *lunulae*, has suggested to Mr. Coffey that there was occasional intercourse between Ireland and Gaul on the one hand, and Scandinavia on the other, by direct sea passage; this, however, no one would assert to have been habitual and long continued.

was incessant. The references to it are too few, the traces of it too scanty.

Amid these uncertainties it may be worth while to do what has not yet been attempted, and to collect the archaeological remains of Roman origin which are recorded to have been found in Ireland. In the list which follows this paper I have put together the Roman coins and other Roman objects which have been published in print as found in Ireland, or are otherwise known to me as of Irish provenance. They are very few. They are also, many of them, very doubtful. If we were to confine our view only to the quite certain examples, it would seem as if Roman remains were almost as rare in Ireland as Solinus declared the snakes and the bees to be. This is in part due to neglect; modern Ireland cares little for ancient Rome. But while I do not suppose that my list is exhaustive of what ought to have been recorded, or even of what has been recorded, I venture to hope that it attains some measure of completeness, and the map which I am able to add has a character and coherence which suggest that it is not all accident.

Let me try to sum up the evidence yielded by this list. In the first place, one notes that the great majority of the finds come from the coasts or their neighbourhood. From the centre of the island little is recorded. In the second place, not all the coasts are represented, but only the north-east littoral from the neighbourhood of Lough Foyle in the north to a point somewhat south of Dublin in the east. This, it will be remembered, is exactly the district of which Ptolemy shows some knowledge. Plainly we have here the traces of intercourse between north Ireland and Britain, not between south Ireland (or indeed Ireland at any point) and Gaul. The voyages of medieval seamen from France to the western Irish coast had no precedents under the Roman empire. Thirdly, the finds are very few, and, few as they are, almost all are coins. There are only three exceptions, and among these three there is not one single piece of pottery. No fragment of Samian, no amphora, no ghost of a wine-jar, appears in the list. Whatever trade there was can only have been trifling in amount. The *lebhafter Handel*, of which Dr. Zimmer speaks, seems to be out of the question. Lastly, the coins belong to a large extent to special dates. Only one can be ascribed to the period of Agricola (no. 7), and only one or two others (no. 2) to the first century. Six cases belong to the second and third centuries (nos. 3, 4, 8, 13, 15, 16). The rest, so far as they are datable, must be ascribed to the fourth century; these are the great find described under no. 1, and lesser finds nos. 5, 8, 9, 11, 12, and 18.

The lesson of these finds will become clearer if they are



Names in CAPITAL letters denote places where hoards of coins have been found;
those in ordinary type denote smaller finds.

compared, however briefly, with Roman finds made in other parts of Europe outside the empire. In Scotland, for example, the whole land between the Tay and the Moray Firth was touched by the Romans only in summer campaigns under Agricola or Severus,⁷ while in the districts still further north, Ross, Caithness, Sutherland, no Roman that we know of can ever have been seen. Roman coins occur here occasionally, at least as far north as the Shetland Islands; pieces of Samian ware have been found even in the Orkneys, and an example of Roman bronze work has occurred in Sutherland.⁸ Yet no one would profess to imagine that any vigorous commercial intercourse existed between Sutherlandshire and the Roman part of Caledonia. On the other hand, in central and eastern Germany, in Denmark and in southern Sweden, that is, in districts much further than Ireland from the nearest Roman frontier and in part at least cut off from the Roman world by intervening sea, Roman coins and many other Roman remains are extremely common.⁹ These districts we can believe to have been connected with the Mediterranean by an active trade, and indeed we have other proofs of such trade than the Roman objects found on the Baltic coasts. Ireland is in quite a different case. We have neither evidence of trade, nor have we, save to a minute extent, Roman objects.

The view that during the larger part of the Roman empire Ireland was untouched by Roman influences, whether they came from Britain or oversea from Gaul, is not merely the view demanded by the archaeological evidence. It is also the only view which fits in with the historical sequel. As the Roman empire grew weaker in the fourth century, and perhaps even before, the Irish began to attack Britain. It is conceivable that they had done so on occasion even in the first two centuries. The remark of Tacitus suggests as much when he states that Agricola garrisoned the part of Britain which looks towards Ireland—whatever part that exactly be—in *spem magis quam ob formidinem*,

⁷ *Ephem. Epigr.*, ix. pp. 630, 631. The most northerly permanent forts were on the line of Strathearn, and they were probably not held long. It has been suggested that there was for a while a permanent garrison at Inchtuthil, a few miles north of Perth, but this has yet to be proved. The most northerly 'marching camp' that has yet been detected in Scotland lies close to the sources of the Ythan in the north of Aberdeenshire; this appears from its plan to be Roman, but has not been tested with the spade.

⁸ For the coins see my list in *The Antonine Wall* (Glasgow, 1899), appendix, pp. 164, 166. Pieces of Samian have been found at Gallanach near Oban, at the Brochs of Keiss, Everley, and Nybster in Sutherland—in two of these cases with other pieces of Roman pottery or glass—and at Bursay in Orkney. (I owe most of these examples to Mr. Curle.) For the bronze vessels from Helmsdale in Sutherlandshire, now at Dunrobin Castle, see *Assoc. Archæol. Soc. Reports*, xiii. 101, &c.

⁹ See, for example, O. Montelius, *Civilization of Sweden in Heathen Times* (English translation), pp. 97 ff. There is a considerable foreign literature on the subject.

in hope of conquest rather than in fear of raiders.¹⁰ Indeed, the circumstances of the ancient world make it fairly certain that the Irish Channel was never absolutely free from pirates. But of raids in early times we have no specific record. It is only in the late third century that raids or migrations meet us. Then, about A.D. 270, according to the conventional chronology, the Dessi, or some of them, 'fled' from Deece in Meath to south Wales, though the Irish literature which records the fact gives us no clue to the number or character of these invaders or immigrants. Later still, when the Scotti began to invade the now weakly defended province, they came not as men who had long enjoyed trade with Roman lands, nor as civilized soldiers, but as Kelts, and it is to this fact amongst others that the Keltic revival in Britain itself is due. Had the *lebhafter Handel*, postulated by Dr. Zimmer, existed from A.D. 50 to A.D. 350, it would not only have left traces of itself in modern Ireland, it would have left its mark on the ancient Irish. It is true that the principal import from Gaul might have been wine, and wine is not in every respect a civilizing drink—any more than the rum and the muskets sold by modern men to various savage tribes. But the trade could hardly have been confined to wine, and after 300 years of it we should look for a different attitude to the Roman empire than we find in the feats of a king like Niall of the Nine Hostages, who was killed in the Ictian Sea—presumably the English Channel—somewhere about A.D. 400.

The real influence of the Empire on Ireland was not a matter of drink but of religion. Whether it was through trade or through prisoners or through missionaries, somehow Christianity came to Ireland about the end of the fourth century. It is no part of this paper to discuss the obscure problems which surround the history of its coming. It remains only to point to the historical fact that, as the empire approached its end in western Europe, there arose in the one un-Romanized Keltic land a new Keltic life, which gained and developed its one important civilized element, its religion, in a quite other way than came to pass within the limits of the empire.

FINDS OF ROMAN COINS, &C., IN IRELAND

(1) At Ballinrees, in the parish of Macosquin (co. Londonderry), three and a half miles south-west of Coleraine, found in 1854, a very large hoard of 1,506 silver coins of the late empire and over 200 ounces of silver ingots or broken pieces of Roman ornamental silver-work. According to a writer

See above, p. 2, n. 2. The district might be either Wales or the Cumberland coast, or possibly Wigton and Galloway, but here remains of Roman forts are entirely absent, and even Roman smaller objects are very rare. The idea that it was the Mull of Cantire is geographically and archaeologically absurd.

in the Kilkenny Archaeological Society's *Proceedings* the coins numbered 1,937 and the silver weighed 341 ounces, but these figures are stated by the best authority, Mr. J. S. Porter, to be incorrect. Apparently about half the coins were ill-preserved. Those catalogued, 1,483 in number, ranged from Constantine II to Honorius and Arcadius, with one coin assigned to Constantine III; of the coins of Honorius the two latest are inscribed VOT X MVLTV (A. D. 403-5) and VOTIS XXX MVLTVS XXXX; but this latter has perhaps been misread or may not date so late as its figures suggest. Probably, therefore, the hoard was deposited about A. D. 406-8. The silver pieces included two small axe-shaped ingots, inscribed EXOPATRICI and CVRMISSI. These are described in some of the early accounts as 'battle-axes marked with Roman characters', but are, in fact, small axe-shaped silver bars of a kind known to have been in Roman use about A. D. 400, each stamped with a name (of moneyer or other), weighing about 1 lb. and serving as a form of currency. The statement made in the Kilkenny *Proceedings* that the remains were found in an urn and with horse-armour seems to have been a mistake.

Mr. Porter adds that 195 silver coins of Valens, Gratian, and Honorius were found near the same place a little later on. Whether this is a separate find, as Wright calls it, or a fragment of the other, is not clear.

The best account is by J. S. Porter and J. Carruthers, *Ulster Journal of Archaeology*, ii. (1854) 182, mainly reprinted in the *Numismatic Chronicle*, xvii (1854) 101. See also *Proceedings of the Kilkenny Archaeological Society*, iii (1854) 62; Wright, *Arch. Cambr.* (1866), p. 303; Brash, *ibid.* (1867), p. 90; A. Way, *Archaeological Journal* (1854), p. 283. For the inscribed ingots see *Corp. Inscr. Lat.* vii. 1198 and Willers, *Bronzezeit von Hemmoor*, p. 237, plate 12; they are now in the British Museum.

(2) Carn, three miles south-east of Dungiven, in the middle of co. Londonderry, a copper coin of Nero (IMP NERO CAESAR AVG: reverse, a Victory (?) with shield, sc, possibly Cohen 288).

W. S. Mason, *Statistical Account of Ireland*, i (1814) 304, with fig. Vague mention in Lewis, *Topogr. Dict.* s.v. Dungiven. About 1814 in the possession of a Mr. A. Ogilby.

(3) Flowerhill, Ballyclough, near Bushmills, four miles south-west of the Giant's Causeway (co. Antrim), in 1827, 300 Roman silver coins, never catalogued.

J. S. Porter, *Ulster Journal of Archaeology*, ii. (1854) 187.

(4) A little east of the Giant's Causeway, on the Faugh mountain near Pleaskin, found in 1831, under a flat stone, much silver coin of the early emperors, about eight or eight and a half pounds weight, that is (reckoning 65-70 denarii to the pound avoirdupois) about 550 coins. Of these, twenty-eight were exhibited to the Irish Academy in 1841; of the twenty-eight, seventeen were legible:

2 Vespasian	2 Hadrian
2 Domitian	4 Pius
1 Nerva	1 Faustina Senior
4 Trajan	1 Faustina Junior.

Presumably this is the hoard described in the *Ulster Journal of Archaeology*, ii. (1854) 187 n., and elsewhere, as found about 1830 near the Giant's

Causeway at Tonduff, close to Pleaskin, and containing 500 silver coins ; the writer adds that two other hoards were found by the same man who found the 500, but were concealed. Another writer, in the *Proceedings of the Kilkenny Archaeological Society*, iii. 61, states that, about 1820, 300 silver coins were found near the Giant's Causeway ; most were illegible but one was a denarius of Matidia, niece of Trajan, and presumably the whole hoard belonged to the first and second centuries. It does not seem possible with our present evidence to say whether this is another account of the Pleaskin hoard, as is most likely, or refers to some other hoard or hoards. The hoard noted under no. 3 seems to be distinct. For similar hoards in Britain see my note in *Archaeologia*, liv. 489.

See *Gent. Mag.* (June 1831), p. 546 ; and a less valuable notice in February 1834, p. 217, apparently referring to the same find ; *Proceedings of the Irish Academy*, ii. (1841) 184 ; J. S. Porter, *Ulster Journal of Archaeology*, ii. (1854) 187 (hence Way, *Archaeological Journal* (1854), pp. 283, 284) ; *Numismatic Chronicle*, ii. (1840) 256, very brief reference ; Wright, *Arch. Cambr.* (1866), p. 303 ; *Journal of the Kilkenny Archaeological Society* i. (1856-7) 49.

(5) Near Ballintoy, six miles east of the Giant's Causeway, co. Antrim. One gold coin of Valentinian (RESTITVTOR REI PVBLICAE), found just before 1814 and then in possession of the Rev. R. Trail of Ballintoy.

W. S. Mason, *Statistical Account of Ireland*, i. (1814) 155, hence *Proceedings of the Irish Academy*, ii. (1841) 186. Vague reference in Lewis, *Topogr. Dict.* s.v. Antrim, and hence Lindsay, *View of the Coinage of Ireland* (1839), p. 2.

(6) Town-land of Loughy, near Donaghadee, co. Down, found in ploughing on the coast, a pocket of black earth, and in it a small hoard of bronze tweezers, two bronze rings, a bronze fibula, the bowl of a spoon, 152 coloured glass beads, an armlet of purple glass, an armlet of Kimmeridge shale, a brass coin, and some other objects less fully recorded. The rather poor illustration of the fibula in the earliest account suggests that it dates from the early Roman period ; the chronology of the beads is uncertain.

Archaeological Journal (1856), p. 407 = *Journal of the Kilkenny Archaeol. Soc.*, i. (1856-7) 164, each with illustration ; hence Wright, *Arch. Cambr.* (1866), p. 302 ; Brash, *ibid.* (1867), p. 91. Information from Sir H. Read, British Museum.

(7) Near Moira, in the north of co. Down, a coin of Vespasian, found in May 1911.

Information from Professor Knox McElderry.

(8) Near Downpatrick, co. Down, eight copper coins described as 1 Tiberius, 1 Hadrian, 1 Philip, 1 Maximian (these four, Second Brass), 1 Licinius, 1 Constantine the Great (these two, Third Brass), a First Brass of 'M. Antoninus', and a coin of 'Domitian, copper washed with silver'.

Described most fully, *Proceedings of the Irish Academy*, vi. (1856) 525 ; more briefly, *Proceedings of the Kilkenny Archaeol. Soc.*, iii. (1854) 62 ; hence Wright, *Arch. Cambr.* (1866), p. 302.

(9) New Grange, five miles west of Drogheda, on the Tumulus, (i) a gold coin of Valentinian (VICTORIA AVGG. TROBS) and a gold coin of Theodosius (the same legend and mint), found, the former before 1699, the latter

at the same time or a little later; (ii) five bits of gold, including a gold ring, a denarius of Geta, and two small bronze coins, found in 1842.

For the two gold coins see Edward Lhuyd (or Lhwyd), *Transactions of the Royal Society*, xxvii. 503; T. Molyneux, *Discourse concerning Danish Mounts, &c., in Ireland* (1725), p. 206, figs. 8, 9, both quoted in Coffey's *New Grange* (1912), pp. 8, 10. From Molyneux, Ledwich, *Antiq. of Ireland* (1790), plate xxv, p. 316, briefly, and several other writers. For the finds of 1842 see *Archaeologia*, xxx. 137, and *Proceedings of the Numismatic Society*.

(10) Lambay Island, Roman coin, details not recorded.

Proceedings of the Irish Academy, ii. (1841) 186.

(11) Hill of Tara, co. Meath, found close to the surface, in or just before 1900, fifteen coins of Constantine the Great, 'of small value,' metal not stated, but presumably bronze. These coins were not given to the R.S.A.I. Museum at Dublin, as has been stated in print, but went, as Mr. E. C. Armstrong tells me, to Bellintor House, the seat of the then owner of the site.

Journal of the Royal Society of Antiq. of Ireland, xxx. (1900) 176. Information from Mr. George Coffey.

(12) Dublin, found in a field near the river Dodder, one gold coin of Valens (VICTORIA AVGG, mint mark TROBC, probably = Cohen, no. 53, in copper).

Communicated to me by Mr. George Coffey; now in the Royal Irish Academy Collection, Dublin. This is, I understand, the only Roman coin now in the collections of the Royal Irish Academy, the Royal Society of Antiquaries of Ireland and Trinity College which is recorded to have been found in Ireland.

(13) Clondalkin, near Dublin, one 'Second Brass' coin of Pius.

Frazer, *Journal of the Hist. Archaeol. Association of Ireland*, viii. (1887-8) 104.

(14) Rathfarnham, near Dublin, coins described, one as Byzantine, five others as Roman of the Republic. The descriptions are vague, but there seems no reason to doubt that Roman coins were found.

Proceedings of the Irish Academy, v. (1853) 199, vi. (1856) 442; *Archaeological Journal* (1859), p. 204. The Roman coins are said to have been presented to the Royal Irish Academy Museum, Dublin, but Professor Purser and Mr. E. C. Armstrong testify that they are not now to be found there.

(15) Bray Head, south of Dublin, close to the sea beach, in 1835, Roman copper coins, some of Hadrian and Trajan, in graves with skeletons, one or two coins to each skeleton. The graves were apparently placed regularly in rows and divided from one another by thin slabs, in what is said to have been an Irish, and is certainly not a Roman, fashion.

Lewis, *Topogr. Dict.*, hence Lindsay, *View of the Coinage of Ireland* (1839), p. 2; *Proceedings of the Irish Academy*, ii. (1841) 186; Wright, *Arch. Cambr.* (1866), p. 302, who is criticized and corrected by Brash, *ibid.* (1867), p. 92.

(16) Templemore, co. Tipperary, found in 1821, one coin of Pius, one of Gordian III.

Proceedings of the Kilkenny Archaeol. Soc., iii. (1854-5) 63; hence Frazer, *Journal of the Hist. Archaeol. Assoc. of Ireland*, viii. (1887-8) 105.

(17) Golden Bridge, more often called Golden, eight miles east of Tipperary, oculist's stamp, found 1842.

A. Way, *Archaeol. Journal* (1850), p. 355; Franks, *Proceedings of the Soc. of Antiq. of London* (1864), p. 409; CIL. vii. 1315; now in the British Museum.

(18) Near the church of Killenumery, two miles south of Drumahaire, co. Leitrim, ill-recorded find of perhaps 100 coins. Seven were 'Third Brass' of Florian, Probus, Carinus, Diocletian, Maximian (one each) and Constantine the Great (two coins).

Frazer, *Journal of the Hist. Archaeol. Assoc. of Ireland*, viii. (1887-8) 103.

(19) Fermanagh County, exact spot not recorded, three Roman copper coins, one perhaps Nero.

Proceedings of the Irish Academy, ii. (1841) 186.

(20) Co. Tyrone, exact spot not recorded, a 'Brass coin of Augustus', found in 1850. Obviously an ill-attested find. If it be accepted as more or less real, the attribution to 'Augustus' need not be taken literally. Inexpert antiquaries have often assigned to him Roman coins on which the emperor's name happened to be illegible to them while a part of the title, AVG., was readable.

Proceedings of the Kilkenny Archaeol. Soc., iii. (1854-5) 62; hence Wright, *Arch. Cambr.* (1866), p. 302, and Frazer, *Journal Hist. Archaeol. Assoc. of Ireland*, viii (1887-8) 105.

(21) Castle Lyons, co. Cork. 'In the Moat of a Rath, in the parish of Castle Lyons, was found in 1837 a Roman large brass coin of Gordian III; it is now in the possession of the author.'

John Lindsay, *View of the Coinage of Ireland* (Cork, 1839), p. 2.

(22-3) Two other finds in Cork County may be added here, though they rest on weaker and more purely hearsay evidence than most of the preceding and cannot be called reasonably certain.

(22) Ballyphebane bog near Cork. 'A small Roman brass coin, said to have been dug up in Ballyphebane bog near Cork.'

John Lindsay, *View of the Coinage of Ireland*, p. 2. I have failed to find the name of the bog on the map.

(23) Buttevant, co. Cork. 'Several Roman Consular and Imperial coins were, a few years since, said to have been dug up at Buttevant.'

John Lindsay, *View of the Coinage of Ireland*, p. 2.

I conclude with two more than doubtful items, due pretty certainly to blunder or romance.

(24) Ferns Abbey, half-way between Wexford and Arklow, co. Wexford. The *Dublin Penny Journal*, iii. (1835) 230, records that a local museum at Piltown, co. Waterford, then contained 'a coin of Alexander the Great, which was found with a considerable number of others of different dates and countries, under the foundations of the northern gateway of the Abbey of Ferns'. Lindsay (*op. cit.*, p. 2) repeats the notice, and suggests that the coin really belonged to Thasos. This from its description in the *Journal* seems likely—in which case the age of the object would be

much B. C. It is quite clear, however, that the record cannot be trusted. If this coin was actually found at Ferns with others of different countries, it cannot be a survival of early days, but must be a modern loss or burial. Quite possibly it was never found at Ferns at all, but was brought from abroad in modern times and its true origin was forgotten, either by those who gave it to the local museum or by the keeper of the museum; thus it got mixed up incorrectly with local finds. That fate has befallen hundreds of other ancient objects brought from the continent to these islands in comparatively recent times.

(25) Lindsay (*ibid.*) records that 'a parcel of Greek coins of the Kings of Macedon and Syria, were (*sic*) found a few years since on the south-west coast of Ireland, but further particulars I was not able to ascertain'. Here again the record is mere hearsay and cannot be trusted. We do not know who saw the coins, nor have we any details which might help us to criticize the story. In itself it is extremely improbable; there is, so far as I know, no authenticated case of such coins being found anywhere in the British Isles.¹¹

¹¹ See *Numismatic Chronicle* (1907), p. 147; *Victoria Hist., Worcestershire*, i. 205, and *Shropshire*, i. 260.

F. HAVERFIELD.

England and the Low Countries

1405-1413

THE late Prebendary F. C. Hingeston-Randolph, in the introduction to his edition of some of the *Royal and Historical Letters of Henry IV*, vol. i,¹ has attempted to place in chronological order and in their historical setting a selection consisting of fifty-four documents taken from the Cotton MS. Galba, B. i, bearing on the diplomatic relations of England and Flanders during the years 1399-1404. The uncertainty which Mr. Hingeston-Randolph acknowledged to exist in his chronological arrangement of the pieces has been as far as possible, though with some faults, remedied by Messrs. E. Scott and L. Gilliodts van Severen in their edition of the manuscript published in the *Collection des Chroniques Belges Inédites*,² mainly by means of a careful inspection of the municipal accounts of Bruges, which town was a kind of postal distributing centre for the correspondence which passed between England and Flanders. These later investigations have necessitated some changes in the order suggested by Mr. Hingeston-Randolph. An attempt has been made in the following pages to continue the work of setting these valuable documents into an account of the relations between England, Flanders, and Burgundy until the death of Henry IV, starting from the point at which Mr. Hingeston-Randolph left off.

In 1403, Hugh Luttrell, John Croft, Nicholas de Rishton, John Urban, and others had proceeded to Calais as the ambassadors of Henry IV³ to discuss with the deputies of Philip le Hardi, duke of Burgundy, and those of the Flemish towns the matters in dispute between England and Flanders—disputes which had arisen owing to the non-observance of the great commercial treaty of 1396. The history of the negotiations is interesting as showing, amongst other important points, the political tendencies of the new Valois dukes of Burgundy—tendencies which found their source and strength in the commanding position which had been given to Burgundy by the acquisition

¹ Published in the Rolls Series, 1860.

² *Le Cotton Manuscrit Galba, B. i*, Brussels, 1896.

³ See the section in Hingeston-Randolph's introduction to *Royal and Historical Letters of Henry IV*, dealing with France and Flanders, pp. xlviii-lxxx.

of Flanders in 1384. The death of Louis de Male, the last of the Flemish counts, had left Flanders to Philip le Hardi, who had married Louis's only daughter and heiress in 1369. Philip died in April 1404, and the negotiations with England were conducted until the following year by his widow, Margaret, duchess of Burgundy and countess of Flanders.

Margaret succumbed to an apoplectic fit at Arras on 21 March 1405. She was buried in the collegiate church of St. Pierre at Lille, and her death was notified to the English ambassadors by her son, John, duke of Burgundy, upon whom now devolved the government of Flanders.⁴ He received the whole of his heritage at a time when everything was in disorder. Negotiations with England had been temporarily broken off; piracy upon the seas was rampant; France was falling into ruin. Across the Channel the Lancastrians had barely established themselves. The imperial power was a shadow. It was the moment for the rise of a new European power. The history of the reigns of John the Fearless and Philip the Good is eloquent of a lost opportunity, and the revival of the middle kingdom was destined to remain a glorious vision. No more expressive epitaph has ever been inscribed upon the tomb of a dynasty than that in which the historian, Van Praet, epitomized the career of the Valois dukes of Burgundy: 'Des deux choses presque toujours nécessaires ici-bas à l'accomplissement d'une grande œuvre, la chance et le génie, la maison de Bourgogne n'eut que la première, la seconde ne lui fut pas accordée.'⁵ The conduct of John the Fearless exhibited this deficiency most clearly; standing astride the border between France and his domains in the Netherlands, he was throughout his reign uncertain whether he should devote his attention to France or to his own possessions.

John of Nevers was thirty-three years of age when he became duke of Burgundy. Small in stature, with a head which appeared disproportionately large, he was endowed neither with grace nor refinement. He spoke with a stammer, dressed badly, and cared nothing for dignity of deportment: but he was cautious in play as in politics; deliberate in his actions, he stuck at nothing to gain his ends. He was in almost every characteristic the opposite of the French princes to whose rank he belonged. To show his independence of the French court he adopted the Flemish motto, 'Ik houd,'⁶ and displayed his carelessness of the interests of Flanders by spending the greater part of his time at Paris. A comparison of Henry IV and John of Burgundy, and of the

⁴ Wylie, *Henry IV*, ii. 81 *seqq.* (The writer is greatly indebted to this work throughout the article.)

⁵ Fredericq, *Le Rôle politique des Ducs de Bourgogne*, p. 30.

⁶ Pirenne, *Hist. de Belgique*, ii. 225.

dynasties to which they belonged, brings out many striking similarities. Both Henry and John were cautious schemers. Each of them had a dynastic power to secure and was hampered in his designs by foes as able as himself. They drew their revenues in a great part from a similar source—the commerce between England and Flanders. They had spent their youth in a similar knight-errantry. They were both present in the fight against the Turks at Nicopolis. Henry escaped the victorious Bajazet, but John remained a prisoner and a witness of the barbaric horseplay of the conqueror. The French and Flemish towns paid prodigious sums for his ransom, and he returned to France after a captivity of some months spent at Brusa.⁷ His conduct at Nicopolis has been considered to have earned for him the name of 'Sans peur', but from Monstrelet it would appear that he did not obtain the title until September 1408, when he performed some feats of bravery in the little battle of Othée against the sturdy craftsmen of Liège. This dubious reputation for courage was never shared by Henry IV, whose gallantry is praised alike by friend and foe. Henry IV founded a dynasty which endured for only a slightly shorter period than the Valois-Burgundian. Henry VI died in London but six years before Charles the Bold ended his career at Nancy. Both the Lancastrian kings as premature constitutionalists, and the Burgundian dukes as the advocates of an impossible scheme of national unity, were destined to an ignoble failure.

Philip le Hardi, on his deathbed, had urged his sons to maintain their loyalty to the king of France, and this, we are told, they scrupulously did.⁸ It is, however, hard to reconcile the conduct of John the Fearless with the usual standards of loyalty; and although none of the Burgundian dukes ever forgot that he was a vassal both of the French crown and of the empire, yet the last three of them may be considered to have departed as far as they could from the traditions of their race and age. As princes of the French house they always retained a measure of respect for its senior branch, and it is interesting to examine in this regard the reigns of John the Fearless and Philip the Good. External circumstances precipitated the separation of Philip from the French royal house, and the unexpected death of Charles the Bold cut short a process which was well on the way to fruition.

During the lifetime of Philip le Hardi, and even for a short time afterwards, John, in common with his brothers, attempted to carry out his father's injunction. In 1403 he betrothed his son, Philip of Charolais, to Michelle, one of the French princesses. Backed by the populace, the university, and the preachers of

⁷ Wylie, i. 82.

⁸ *Ibid.* iii. 39.

Paris, he and his two brothers drew up a plan for excluding the duke of Orleans from the government and keeping reform in their own hands. As to war with England, they noted the extreme poverty of the country and the misery caused by constant ravages, the outcome of descents upon the Flemish, Picard, and Norman coasts. They cried out against the shameful misappropriation of the taxes, and the neglect of a golden opportunity for an attack upon the hereditary foe, convulsed within and threatened by the Scots. In spite, however, of these obvious considerations, the English ambassadors, who were at this time employed in Flanders, had wasted their breath in a threat directed at the late duchess. 'Unless', they said, referring to the detention of Henry's confessor, the bishop of Hereford, and English fishermen to the number of one hundred and sixty-eight,⁹ 'these wrongs are speedily corrected, the commons of England will appoint a remedy, which God forbid, exceedingly severe.'¹⁰ But it appeared that the Flemish at this time had all the advantage, and as the French threatened invasion, the impotent challenge of the English deputies was disregarded. Moreover, the English government itself seemed to have forgotten them and failed to renew their commission in due time: Nicholas Rishton, one of the envoys, wrote on 6 October 1404 to the archbishop of Canterbury requesting the immediate dispatch of the commission.¹¹ The council's lack of energy, he said, astonished him, having regard to 'the tempests which daily rage more and more against the King and his realm'—an allusion to the dangerous attitude of the French. The Flemish fleet was also being prepared to aid the French to the number of seven-and-thirty ships. On 14 October Rishton informed the lord mayor of London of the French preparations at Sluys against England. The English ambassadors now wrote to the duchess in extreme indignation, but the council made no efforts to support them.¹² They decided to go back to England unless the renewal of their commission arrived before the ensuing feast of All Saints. No reply was vouchsafed them and they returned to England. Twelve days afterwards the long-desired instructions were issued by Henry IV at Coventry.¹³ Richard Young, bishop of Bangor, Sir Richard Aston, and Rishton were nominated with full powers to treat with the duchess and the Four Members, Ghent, Bruges, Ypres, and the 'Frane' of Bruges,¹⁴ whose deputies, meanwhile, had arrived at West-

⁹ *Le Manuscrit Cotton*, p. 146.

¹⁰ *Letters of Henry IV*, p. 259.

¹¹ *Le Manuscrit Cotton*, pp. 160-2.

¹² *Letters of Henry IV*, p. 376.

¹³ *Foedera*, viii. 385.

¹⁴ This loose but powerful confederation attained its final form early in the fifteenth century. The fact that the Franc of Bruges only became a member at the beginning of the fifteenth century indicates a long development rather than the creation of

minster to inquire into the losses which had been sustained by the English. Henry instructed his representatives to agitate for a renewal of the truce as it stood on 10 November 1403. These negotiations were destined to continue for another sixteen months before a definite treaty was concluded between England and Flanders: during this time the commission was twice reissued.

The bishop and his colleagues were further instructed to treat with the deputies of the duchess even in the absence of the representatives of the Four Members, of the king of France, or of John of Burgundy, who was at this time heir to Flanders. The assembly was to take place at Calais, or in a neighbouring town. Flanders was to be included in a general treaty which should be agreed upon between England and France, while the question of compensation for damages, always a pressing consideration, was to be reserved to the immediate future. Meanwhile all injured persons were to be invited to present an account of their losses. The duchess had promised to make known to the English the terms of the commission which she had obtained from the king of France. Henry appointed the earl of Somerset in advance as guardian of the treaty. He also demanded sureties from the town of Gravelines and the liberation of the captured bishop and fishermen.¹⁵ Later the king added that his deputies were to require further sureties for the maintenance of the truce, and were to give assurances that he would keep his engagements with regard to the repayment of the dowry of Queen Isabella.¹⁶ Desultory negotiations ensued, and finally, on 30 March 1405, the English representatives wrote to the council to say that they had received at Calais on the 18th letters from Arras, from the ambassadors of France and Flanders, asking them to consent to an adjournment from the date which had been fixed for

a definite number of members by a distinct act of government. The privileges of the members rested upon the charters granted at various times to the Flemish cities. The *échevins* of these towns formed a kind of arbitration board protecting the liberties of the municipalities. The *échevins* of Flanders, *scabini Flandriae*, in 1303 undertook to issue regulations of maritime law; and the cities came to act in union as against the count of Flanders and with regard to foreign affairs. Owing to the loss of territory by Flanders consequent upon the treaty of Athies, the cities which formed the members of Flanders were reduced to three—Ghent, Bruges, and Ypres; but in 1405 John the Fearless authorized the addition of the Franc of Bruges as a fourth member. This consisted of a group of small towns and villages engaged in the village cloth-industry, and had its own 'generality' or constituent body which deliberated on the matter of aids, &c. The Four Members of Flanders took counsel with their suzerain on questions of foreign or commercial policy, and even claimed an initiative in foreign and domestic affairs. See Ashley, *James and Philip van Artevelde*, pp. 137 seq.; Gilliodts van Severen, *Archives de Bruges*, iv. 264; Pirenne, *Hist. de Belgique*, ii. 163 n. For the Franc see O. Delepierre, *Inventaire des Documents du Franc*, vol. i, introduction.

¹⁵ *Le Manuscrit Cotton*, pp. 191-3.

¹⁶ *Ibid.* p. 194.

a meeting (20 March). The Flemish deputies said that they were prepared to meet the English at Gravelines.

We replied (wrote Rishton to the council) to the first demand that we had no powers to grant the adjournment, and to the second that we consented, in spite of the fact that we had only just heard on the day before of the death of the duchess. We have duly received your instructions, but we have to wait upon events.

They also called the attention of the king's advisers to the warlike preparations which were going on in Picardy, and stated that they had dispatched their colleague Thomas Urban to present a detailed report by word of mouth.¹⁷

The death of the Duchess Margaret led to a great deal of unnecessary delay in the conduct of these extremely languid negotiations. On 31 March the English wrote to the French that they were ready to resume business,¹⁸ and by 7 April had received no reply.¹⁹ They also were aware that their commission, being directed to the duchess, was of no use to them in their dealings with John the Fearless. Accordingly they asked the council for the necessary alterations, adding, as a stimulus to that body, that the Seigneur de Hugueville, one of the French ambassadors treating with themselves, had been in Holland to prepare armaments.²⁰ Meanwhile piracy continued; the magistrates of Schiedam and of Dordrecht addressed a letter to Henry for assistance against the French, who had captured off the coast of Normandy a ship belonging to 'noster oppidanus, Bartolomeus, dictus Kokus'.²¹ Along with these letters arrived a complaint from the citizens of Bruges, through the agency of the duke of Burgundy, that one of their carracks, bound from Valencia, had been seized by the men of Plymouth.²² On 30 April the French reproached the English deputies for their neglect of the meeting appointed for 20 March, and also for the continuance of hostilities, since, in spite of their promise to the contrary, the men of Calais had taken it upon themselves to invade France and ravage the country-side.²³ The English answered on 3 May that by mutual consent the meeting had been postponed to the 6th of that month, when the English reply to the Flemish terms was to be given. It had been proposed that if the conference failed to meet by the 25th the truce should be prolonged for another four months. With regard to the Burgundian request that the extension should be for a year, they thought it a sufficient answer that some freebooters had issued from Gravelines and had devastated the outskirts of Calais. Moreover, they had learnt that the duke of Burgundy himself was

¹⁷ *Le Manuscrit Cotton*, pp. 200-2.

¹⁸ *Ibid.* p. 203.

¹⁹ *Ibid.* p. 205.

²⁰ *Ibid.*

²¹ *Ibid.* pp. 206-7.

²² *Ibid.* p. 208.

²³ *Ibid.* p. 210.

preparing to invade Picardy. Since their king was at that moment in Wales, no answer could be promised on the matter before 26 May; meanwhile the truce would have to be maintained until the 25th of the same month and the conference held on that day.²⁴ The Burgundians replied at once (4 May) that the new duke, being animated only by friendly intentions towards England, would, in this respect, follow the example of his father and his mother: the idea of a siege of Calais was ridiculous.²⁵

On the same day the English ambassadors wrote to Henry IV describing the recent transactions, informing him that the next meeting had been fixed for 25 May and begging him to dispatch a prompt reply.²⁶ Meanwhile the French had declared themselves prepared to pay compensation for the damages done at Calais, but complained of numerous violations of the truce on the part of the English.²⁷ The representatives of the Four Members acknowledged the receipt of notice of the postponement of the conference to the 25th, and stated that their acceptance of the alteration depended on the consent of the duke of Burgundy; as to some acts of piracy alleged, they had given the duke notice of them at Bruges.²⁸ Three days later they wrote that they had obtained the duke's permission. Having received these letters the English deputies asked the council for instructions:

Although (they said) it would seem as though a conclusion might be despaired of, we know well that the other party secretly desire to come to some arrangement. . . . Send us your instructions with speed and also our wages, for equity should persuade you to have a kindly compassion for our daily labours and sufferings in poverty.²⁹

On 21 May they reported that the bishop of Bangor had departed for Rome; the night before the count of St. Pol had shut up some hostages in the castle of Marck, but the English troops had driven him off, and encouraged by their success had seized Gravelines:³⁰ would the council decide upon a truce of four months or of twelve in view of the approaching conference?³¹

On the 25th one William Stokes of Middelburg addressed a complaint to the council in England, which has an interesting bearing both upon the relations between England and the Low Countries and upon those which existed between Holland and Flanders. Stokes alleged that certain English merchants, to wit Robert Papeingay and Martin Walsham or Mondes of Norwich, using a ship belonging to William Pegge of Grimsby, had defrauded the king of England of his rights over wool imported into Holland, and that he had obtained from the count of Holland

²⁴ *Ibid.* pp. 214-17.

²⁵ *Ibid.* p. 218.

²⁶ *Ibid.* p. 222.

²⁷ *Ibid.* p. 224.

²⁸ *Ibid.* p. 228.

²⁹ *Ibid.* p. 232.

³⁰ Cf. Barante, *Hist. des Ducs de Bourgogne*, i. 207.]

³¹ *Lc Manuscrit Cotton*, p. 234.

a decree of confiscation, assigning half the goods seized to the king, in order to check these doings.³² In connexion with this letter we may note that the municipal accounts of Bruges for 1403-4 record that, on 28 February 1404, a messenger left for Paris, bearing letters from the estates of Flanders to the duke of Burgundy, with the information that these English merchants had abandoned their residence at Bruges and had transferred themselves to Middelburg. The duke was urged to supply safe-conducts and other means whereby trade relations might be facilitated and the English prevailed upon to return to Bruges. This incident is only one of many which prove the keen commercial rivalry between Holland and Flanders. The counts of Holland were desperately anxious to secure the English staple as a step towards the destruction of the commercial supremacy of the Flemish. Among other acts there exists a charter dated 3 April 1390, by which Albert of Bavaria, count of Holland and Hainault, offered Richard II to establish the staple of English merchandise at Middelburg.³³ By a diploma of 31 December 1391 the same prince guaranteed to several London merchants settled at Middelburg facilities for the erection of the wool staple in that port.³⁴ Following his father, William of Bavaria issued on 5 February 1405 an ordinance sanctioning the staple dues at Middelburg.³⁵ This order was probably followed by the confiscation referred to by William Stokes.

Towards the end of May 1405 the English deputies were gratified by a reply from Henry, announcing that he had sent his instructions with regard to the prolongation of the truce to the captain of Calais. He assured them that he wished to see a speedy agreement effected, and left to them the choice of the place of meeting, at Calais or at Leulinghem.³⁶ The conclusion of the tiresome affair was now foreshadowed by the receipt by John the Fearless of letters from Charles VI, dated at Paris, 1 June, giving him full powers for the conclusion of a treaty between England and Flanders, in confirmation of those granted to his father Philip in 1403 and to his mother Margaret on 24 May 1404, powers which had become invalid by reason of the death of that prince and princess, and for the renewal of which the good towns of Flanders had made persistent petition.³⁷ Of the same date are the French king's instructions relative to the treaty, reserving his rights with regard to the submission of the convention for his approval. He retained the privilege of sending his 'amiral ou les gens de son navire en mer ou aucuns d'eulx es havres des parties de Flandre paisiblement pour eulx

³² *Le Manuscrit Cotton*, p. 236.

³⁴ *Ibid.* pp. 585-7.

³⁶ *Le Manuscrit Cotton*, p. 236.

³³ Van Mieris, *Charterboek*, iii. 556, 585-7.

³⁵ *Ibid.* iv. 3.

³⁷ *Ibid.* p. 240.

refreschir et avoir des vivres'.³⁸ Nicholas Rishton wrote to the council on 12 June that if the English fleet which was assembled at Sandwich were to make a slight demonstration off the coast of Flanders, it would greatly facilitate his work and that of his companions. On 23 May the truce had been extended for ten days, and the earl of Somerset had spent the time in endeavouring to persuade the duke of Burgundy to release the bishop, now translated from Bangor to Rochester,³⁹ who had been imprisoned in spite of a safe-conduct which had been granted him.⁴⁰ Somerset's messenger, however, failed to obtain an interview with the duke owing to the popular tumults which were then raging in Ghent, and had with difficulty escaped death. English merchants trading with safe-conducts had been arrested, and a proclamation had been issued that no Englishman should enter Flanders for the future upon pain of death. The invasion of Picardy had begun on 20 March.⁴¹ Just at this moment, as if to emphasize the need for a speedy agreement, there had occurred a specially violent outbreak of piracy, which drew bitter reproaches from Henry and explain an ordinance of the duke's, dated 12 May, authorizing the division between the merchants of Sluys, Alost, and Ypres of the price of the cargoes of wheat, seized on two ships, one English and the other Irish, which were moored in the port of Sluys, as compensation for damages done to the said merchants by the English.⁴² The tedious task of Rishton and his colleagues who were being continually driven to desperation by incidents like these, in which tempers were short and reparation violent, was further protracted in a most aggravating manner.

Henry Bowet, bishop of Bath, was now dispatched by the English ambassadors on 29 June to explain orally to the council the position of affairs.⁴³ The proclamation of the duke of Burgundy excluding Englishmen from Flanders naturally evoked a storm of protest from the Four Members and their dependants, who implored (which is significant) the king of France to allow them to set aside the duke's order and resume intercourse with England.⁴⁴ Meanwhile a letter, dated at Calais 8 June, reached the Flemish deputies, stating that the king of England would consent to a year's agreement, to commence on 25 June,⁴⁵ and a truce to this effect was apparently agreed upon. However, by the beginning of February 1406 negotiations had been begun for a permanent settlement. Richard Aston wrote on the 19th to Thomas Beaufrenez, *maitre d'hôtel* to the duke of Burgundy, for a safe-conduct which would enable him and the other English

³⁸ Lille Archives, B. 286. 15037 bis.

³⁹ 28 July 1404.

⁴¹ *Le Manuscrit Cotton*, p. 243.

⁴² *Le Manuscrit Cotton*, p. 249.

⁴⁵ *Ibid.* 19637; *Le Manuscrit Cotton*, p. 251.

⁴⁰ Lille Archives, B. 535. 19693.

⁴² Lille Archives, B. 535. 15036.

⁴⁴ Lille Archives, B. 536. 19639.

ambassadors to proceed to Bourbourg to arrange for a definite treaty.⁴⁶ The duke himself was by this time as heartily weary of the continual delays as the English. In a letter of February 20, his principal representative, Thierry Gherbode, urged him to hasten as much as he could 'la journée et la besogne sur le fait du cours de la marchandise entre la Flandre et l'Angleterre'.⁴⁷

At this date a truce between England, France, and Flanders had still a year to run from 6 February,⁴⁸ and Gherbode's communication referred to a project which was on foot to establish a separate *trêve marchande* between England and Flanders. In view of these negotiations the attempt made by John of Burgundy in the following September to take possession of Calais was highly unpopular with the Flemish.⁴⁹ After much vain expenditure of powder and words, combined with frequent reference to Paris,⁵⁰ he gave up the attempt, and a further truce was arranged with the English on 10 March 1407 and published at Calais on 15 June, to last a year from that date.⁵¹ With regard to the separate Anglo-Flemish treaty, many possible difficulties were suggested—the supply of war material by the Flemish to the English, which might be used against France, the landing of armed English or Scots in Flanders, the recognition of Henry as king of England, and so on. But the French hold on Flanders had already been relaxed slightly by the recognition by Charles VI of the principle of separate treaties in letters to the duke's mother.⁵² Eventually a separate treaty was drawn up at Calais on 30 November 1406,⁵³ to which the French king and the duke of Burgundy attached their seals on 10 January 1407. It was stipulated that the French were not to be debarred from using Flemish ports for fitting out expeditions against England. Even when the indenture for this treaty was being drawn up at Calais, Rishston had written to the lord mayor of London informing him that a French expedition was being prepared for an attack upon Bordeaux and Wales, while the Flemish had a fleet ready at Sluys to attack Sandwich.⁵⁴

By this last agreement a passage was secured for merchants, pilgrims, clerks, and all persons travelling on peaceful business, by sea or by land, between England and the countries subject to the duke of Burgundy, and a safe road was thus kept open for trade as far as Cologne. On 22 July 1407 Charles VI expressed a wish that all French subjects should be included, and 1 August was fixed as the date for opening of discussion as to a final peace.⁵⁵ Representatives of both sides met at Gravelines in September,⁵⁶

⁴⁶ Lille Archives, B. 538. 19913.

⁴⁷ *Ibid.* 19617.

⁴⁸ *Ibid.* 1368.

⁴⁹ Laborde, *Les Ducs de Bourgogne*, i, p. lxii, ap. Wylie, ii. 106, n. 6.

⁵⁰ Lille Archives, B. 536. 18303.

⁵¹ *Foedera*, viii. 469-78.

⁵² Wylie, ii. 107.

⁵³ *Ibid.*

⁵⁴ *Le Manuscrit Cotton*, p. 262.

⁵⁵ *Foedera*, viii. 487.

⁵⁶ Wylie, ii. 107.

and on 11 December the duke appointed commissioners to discuss questions of trade. But 'rooted habits', as Dr. Wylie remarks,⁵⁷ 'could not be at once abandoned.' In spite of a proclamation issued by Henry IV on 5 October 1406,⁵⁸ granting security to French and Flemish fishermen along the whole length of the Channel, plundering still continued on both sides after the truce was well established. On the English side pressure was brought to bear on the council by the Calais merchants, who urged that the staple at Calais was utterly valueless unless the treaty was rigidly enforced.⁵⁹ Although the Flemish envoys were indignant at the piracies, especially of the men of Rye, yet the English ambassadors did their business so 'curiously and diligently' that a better understanding was soon effected.⁶⁰ Fresh commissions were issued by the duke in March and June 1408, the truce was prolonged for three years, and copies of it were sent round from the exchequer to the collectors at all the customs' ports on the English coast.⁶¹

Thus, finally, were settled the manifold disputes which had arisen from the neglect by all parties of the great treaty of 1396. The agreement of 1407-8 demonstrates the difficulties of the dukes of Burgundy in their struggle, partly conscious and partly forced upon them by the rise of a national spirit in the Netherlands, to detach their dominions from the suzerainty both of the empire and of France. The Burgundian dukes are distracted throughout the whole length of their career by the essential duality of their Flemish domains, because trade bound them to England while politically they were dependent on France. It is easy for critics who live in a later age, when time has disclosed more fully the trend of events, to condemn the Valois dukes of Burgundy for not departing abruptly from the beaten path of French policy and throwing in their lot with that of the English monarchy—the course of action which seems to us the obvious one to have pursued. The action of John the Fearless in 1406 illustrates the effect of feudal tradition in obscuring the reasonable dictates of economic policy. At the very time when with his sanction the ambassadors of the Flemish towns were discussing the possibility of a separate Anglo-Flemish truce, and when Flemish particularism, at any rate in economic policy, had received the sanction of the king of France, John was busy with preparations for his ill-conceived attack on Calais.

The troubles of the Lancastrian dynasty were virtually at an end when those of the French monarchy began. The great

⁵⁷ *Henry IV*, ii. 107 f.

⁵⁸ *Foedera*, viii. 451.

⁵⁹ *Proceedings of the Privy Council*, i. 306.

⁶⁰ *Ibid.* p. 310.

⁶¹ *Devon, Issues of the Exchequer*, p. 311.

opportunity for French aggression had passed irrevocably away, and Henry was able to contemplate the prospect of a complete reversal of the conditions which had prevailed immediately after his accession. The origin of the Burgundo-Armagnac quarrel are outside the scope of this paper, but the development of the affair is of great importance in its bearing upon Anglo-Burgundian interests. In the deadly struggle for preponderance in French internal affairs the immense territorial accessions of the Burgundian house in the Netherlands afforded a prestige to Philippe Hardy and John sans Peur which aroused the keen apprehension of Louis of Orleans. The obvious step was taken, and an Orleanist opposition was erected in the Low Countries as a counterpoise to Burgundian influence. In this sphere the Burgundian dukes were determined to tolerate no rivals, and this move on the part of Louis was one of the causes of his assassination at the instigation of John of Burgundy on 23 November 1407.

But in 1406, at the time of the inception of the Anglo-Flemish treaty, a singular reconciliation had been made between the heads of the rival French parties, and they combined patriotically in an attack upon the ancient foe of France. Burgundy undertook to besiege Calais, while Orleans made an assault upon Bordeaux. The attack upon Calais was regarded as a task especially convenient to Duke John in view of his recent appointment as lieutenant or captain-general for war in Picardy and West Flanders.⁶² The duke first appeared at Lille in order to quiet the opposition of his Flemish subjects, who had prematurely congratulated themselves on the approaching end of their quarrels with England.⁶³ Bruges was extraordinarily violent in deprecating the duke's move, and force was required to make the men of Béthune contribute to the expenses of the campaign. Forces were mustered at St. Omer, but owing to his elaborate preparations the duke delayed his advance so long that he gave Henry in England and the captain of Calais ample time to prepare a hot reception for him. While Burgundy lingered at St. Omer, Henry IV issued writs to the sheriffs throughout England and to the chancellor of the duchy of Lancaster, with instructions to be ready with the levies of the shires to resist the attack which the duke of Burgundy contemplated making upon Calais, with the assistance of Flanders and Brabant.⁶⁴

The besieged⁶⁵ depended strictly upon their communication with the sea, which they had of late secured still further by a new fortification called the Lancaster Tower, which commanded the entrance to the harbour. But even this appears to

⁶² Plancher, *Hist. du Duché de Bourgogne*, iii, p. cclii.

⁶³ Meyer, *Commentarii sive Annales Rerum Flandricarum*, 223 b.

⁶⁴ *Foedera*, viii. 469.

⁶⁵ See for what follows Wylie, iii. 58:

have been insufficient, for the earl of Somerset had complained in October 1405 that the ships, which conveyed from the Suffolk havens the beer which was as necessary as powder for the defence of Calais, could not approach for fear of the French and Flemish.⁶⁶ Moreover, the dead level of the surrounding country not only caused a lack of fresh water but laid the whole of their border open to easy attack. To protect their outlying marches they had planted a ring of fortresses at Sangatte, Wissant, Hammes, Oye, and Marck, extending in a semicircle at a distance of from four to six miles from their walls, while further to the south they held the strong castle of Guisnes on the hilly ground facing Ardres. When the first news of the Burgundian expedition arrived the condition of Calais was desperate. The condition of the garrison was deplorable; provisions were at famine prices. Dummy troops had to be turned out on parade and wages were claimed for them. But the prospect of danger brought a rapid change, and on 1 July 1406 5,000 marks were paid for wages at Calais. Early in the following September the English laid siege to the castle of Balinghen, between Guisnes and Ardres. During this foray occurred the destruction of the duke's vast stores at St. Omer by the English. The incident occurred, according to a contemporary chronicle, in the following manner. When the duke of Burgundy had prepared his great war array, consisting of all the latest improvements in the way of siege gear and cannon, and was ready to make a serious start with his operations, there arrived letters, ostensibly from the king of France, expressing great disapproval of the expedition and commanding its instant abandonment. Upon their receipt the duke almost wept for annoyance, not suspecting that the dispatches were really a forgery by some of his numerous enemies. Accordingly he stored his siege train in the enclosure of the church of St. Bertin at St. Omer, until he should resume his enterprise. But some traitors in the town sold the means of destroying the tackle to the English. All the engines were burnt as well as a large part of the abbey of St. Bertin, while the affair caused great terror throughout St. Omer. However, the chronicler adds with satisfaction, the traitors were detected and died with great dishonour.⁶⁷

This was in October, and when in the following month the duke appeared before the walls of Calais, the English county levies were not needed to supplement the effect of the torrential rains and arctic cold upon the enterprise, which had been resumed in a half-hearted way. Orleans, with more respect for the contract than his shifty ally, had started long before, and had directed his main attack upon the formidable fortress of Bourg,

⁶⁶ *Calendâr of Patent Rolls*, 7 Hen. IV, i. 36.

⁶⁷ *Chroniques Belges Inédites*, ed. Kervyn de Lettenhove, ii. 423, 424.

on the Garonne, one of the bulwarks of Bordeaux. But this southern attempt also ended in disaster, and Orleans returned to continue his contest with Burgundy. Later in the same year occurred the assassination of Orleans at Paris, an event which finally destroyed any semblance of French unity. Burgundy became supreme in France, and forced upon his rivals the formal reconciliation of 9 March 1409. But the Orleanist faction was only waiting for a leader, and the want was supplied by the marriage of the young Charles of Orleans to the daughter of Bernard, count of Armagnac, whose leadership and name were accepted by the revived Orleanist faction. The increasing unpopularity of John the Fearless supplied the motive for a coalition of the French nobility, which was now formed for the suppression of Burgundian influence at court. Orleans and Armagnac were joined by the dukes of Berri, Bourbon, and Brittany. In the strength of this combination Orleans demanded the banishment of Burgundy as the instigator of his father's murder; civil war ensued, and France was divided into two camps between which flowed the Loire.

The Armagnacs depended upon the nobility of the south and west; the Burgundians looked for support to the burghers of Paris and the Flemish towns. Both parties almost simultaneously applied to the English government for aid; but while the Armagnacs contented themselves with the request that no assistance should be granted to their rivals,⁶⁸ the duke of Burgundy expected more substantial benefits. The English attitude was bound to be affected by commercial considerations, and Burgundy immediately effected a *rapprochement* with the Flemish towns whose sullen hostility to his anti-English policy had hitherto been a drag upon his actions. In 1407 Sir Richard Aston⁶⁹ and others had sought to ensure the successful maintenance of the treaty, and the establishment of a surety system for the keeping of the seas between the harbours of Winchelsea and St. Valery and towards the north and east of them; and their efforts had been followed by the issue of a commission⁷⁰ to the English ambassadors to negotiate the renewal of the treaty for another year. This renewal was accomplished on 11 June 1408,⁷¹ with the additional benefit of security upon the seas for English, French, and Flemish ships. For this latter measure Burgundy himself secured the ratification of the king of France on 5 October 1408.⁷² The Four Members saw with lively satisfaction the way matters were tending, and on 20 July preceding granted to their duke an aid of 108,000

⁶⁸ *Chron. du Religieux de St. Denys*, iv. 475.

⁶⁹ *Foedera*, viii. 491.

⁷¹ *Ibid.* p. 530; *Proc. of Privy Council*, i. 310.

⁷⁰ *Ibid.* p. 511.

⁷² *Foedera*, p. 548.

crowns on the occasion of his joyous entry and for the great expenses he bore on the subject of the commercial relations between England and Flanders.⁷³ Another bond of sympathy between the Lancastrian kings and the dukes of Burgundy was the great revival of the crusading spirit in the west, caused by the ominous successes of the Turks who had obtained more than a foothold in Europe. The presence of John the Fearless and Henry IV at Nicopolis has already been noticed. The sequel was a correspondence between the two courts in which the prospects of the delivery from the Turkish sultan of those 'crudeliter, immaniter, et intolerabiliter, pro Christi fide oppressis' were discussed with interest. But Henry, in a letter dated 17 August 1409, definitely refused the suggestion of the duke of Burgundy that he should suspend, on account of the crusade, his project of war with France. He alleged that the recent duplicity of the French rendered such a course out of the question. In spite of recent reverses, he significantly added, his faith in divine protection and in the justice of his cause had not abated one whit.⁷⁴

During all this time the commerce of England and Flanders was receiving renewed attention from a conference which assembled at Calais on 18 November 1409, as a result of which Henry published a revised agreement in England during the following month.⁷⁵ In spite of this, however, English merchants found abundant cause for complaint in the over-vigorous reprisals conducted in Flanders at the instigation of the duke of Burgundy, who, they alleged, was not sufficiently careful to distinguish between their lawful actions and the depredations committed by pirates.⁷⁶ On 29 December 1410 Henry proposed that a revised treaty should be drawn up to last for three years or longer, since the existing treaty would expire on 15 June 1411.⁷⁷ In reply came a long letter from the Four Members intimating that a restoration of the Flemish vessels seized by the English corsair, Longe of Rye, would greatly facilitate the business of the coming conference; the king would be able to gauge the justice of their plea from the list of piracies which they had already furnished. Longe appears to have been in possession of no less than eleven Flemish ships. Like Chaucer's shipman, of nice conscience he took no keep.

If that he faught, and hadde the hyer hond
By water he sente hem hoom to every lond. . . .
With many a tempest hadde his berd been shake.
He knew wel alle the havenes as they were
From Gootlond to the cape of Fynystere.

⁷³ *Cart. Estaple de Bruges*, p. 463.

⁷⁴ *Le Manuscrit Cotton*, p. 276.

⁷⁶ *Ibid.* p. 286.

⁷⁵ *Ibid.* pp. 279, 283.

⁷⁷ *Ibid.* pp. 288, 290, 291.

The Flemish communes had not the same advantage as the English. The former possessed a far larger merchant fleet, while English freebooters swarmed in the Channel. The claims of the Four Members appear on this occasion to have been favourably received, and the vessels were handed back amidst general expressions of amity and a desire for a still closer union than had been effected by the previous treaty.⁷⁸ On 11 May 1411, Pickworth and Catterick, Henry's ambassadors, wrote to him to say that they had agreed upon a treaty for five years; there was a great ferment in Bruges about some new acts of piracy, and the citizens retained the earl of Salisbury as a hostage.⁷⁹ At the same time arrived a letter from the merchants of the staple at Calais warning Henry not to restore to their detriment the Flemish ships, because they had a very large counterclaim to present.⁸⁰ The Hollanders also appear to have had their own grievances, for the count of Hainault supported the plaint of a subject named Yewinsone of Schiedam, and also directed the king's attention to the enterprise of the men of Yarmouth.⁸¹ These letters well illustrate the difficulties of rulers who possessed practically no means of enforcing their regulations upon their maritime subjects. From the point of view of a part of the community treaties of commerce were so much waste paper. Well might the author of the *Libel of English Policy* advise the safe-keeping of the Channel as a remedy for the evils which afflicted peaceable traders, who, like the merchant in the prologue to the *Canterbury Tales*, 'wolde the see were kept for any thing bitwixe Middelburgh and Orewelle.'

Meanwhile political affairs had been more exciting. Events had moved rapidly in France, and the Lancastrian opportunity had arrived. Burgundians and Armagnacs were at war, and all the portents favoured an Anglo-Burgundian combination against Orleans. The inclinations of Prince Henry and the Beauforts, who at this time possessed the royal ear, directed the English attitude with regard to the embassies from Burgundy and Orleans. On 1 September 1411 the prince dispatched a return embassy, consisting of the earl of Arundel, Francis de Courte, lord of Pembroke, Hugh Mortimer, and John Catterick to the duke of Burgundy, with a commission to declare that the king approved of his proposal for a marriage between Prince Henry and one of his daughters, which should be a further bond between the English and Burgundians. The dower was also to be fixed, and the terms of an offensive alliance against France to be arranged.⁸² The duke came from Péronne to Arras to meet the

⁷⁸ *Le Manuscrit Cotton*, pp. 291-5.

⁸⁰ *Ibid.* p. 302.

⁸² *Foedera*, viii. 656; *Le Manuscrit Cotton*, p. 322.

⁷⁹ *Ibid.* p. 299.

⁸¹ *Ibid.* p. 305.

English ambassadors, and gave them a great reception ;⁸³ then he returned with the company to Péronne, paying all their expenses and in addition making them rich gifts.⁸⁴

The *Livre des Trahisons de France envers la Maison de Bourgogne*,⁸⁵ by a contemporary but unknown author, combines with a fierce display of Burgundian particularism an intimate knowledge of the inner workings of Anglo-Burgundian diplomacy at this moment. Referring to the Armagnac mission the writer says :

The princes of France sent ambassadors into England, richly mounted, who had a safe-conduct to Bordeaux and thence reached England. They came unto 'Sombresset, ou le roy engles gisoit malade'. They spoke to the King 'bouche a bouche' and delivered their documents. The King, having heard their request for aid and alliance, answered that he had a truce with the Duke of Burgundy 'a cause de son pais de Flandres' and could give no present answer, but that he would send information before the coming Easter whether he would aid them or not, upon which the Armagnacs returned to France.

The queen, Joanna of Navarre, appears to have played no small part in directing English policy, for she had strong Burgundian sympathies, and implored Henry not to become involved in the French quarrel except on the side of the duke of Burgundy. Then, relates the chronicler, she went in haste and privily wrote letters to the duke of Burgundy, which she sent by an esquire of hers named Carman. Speedily Carman boarded a ship which took him to Sluys, whence he arrived at Bruges to find that the duke of Burgundy was at Arras. He hurried there and found the duke at his hostel. The duke was much taken aback at the contents of the queen's letters, but he at once instructed the bailli of Amiens to set a watch for the Armagnac envoy who was in England. This official was successful in intercepting the messenger, and he was brought before the king of France along with Queen Joanna's letters. The duke recommended that they should forestall the Armagnacs by an English alliance. As a result Burgundy made the proposals alluded to above to Henry IV.

Carman was entrusted with the answer, and went to Windsor, where he found the king discussing in full council the proposals of the dukes of Berri and Orleans. The king's councillors were divided on the question. Carman arrived when the conflict was at its height, and kneeling low before the king delivered his letters.

⁸³ Monstrelet, i. 79.

⁸⁴ *Itinéraire de Jean Sans Peur ; Dixième Compte de Jehan de Valery*, pp. 383, 384.

⁸⁵ Edited by Kervyn de Lettenhove in *Chroniques relatives à l'Histoire de Belgique*. The name is extended to the chronicle by the editor from the first chapter. *La Geste des Ducs de Bourgogne* is based on this chronicle.

Henry Beaufort, bishop of Winchester, read the contents aloud before the assembly :

With greeting to the King and Queen of England and their children, we, the King of France, Duke of Guienne and Duke of Burgundy, make known to you that if you make alliance with the Duke of Orleans no honour will come of it, for they aim at the destruction of France 'qui est chose pitoyable'. Grant us a year's truce and send us aid so that if a war should afflict you we will do the like to you, for 'raison est, car une amour requiert l'autre'.

Then they all said, 'It is well written ; wisdom is in Paris.' The decision was then fixed for the next meeting in London. The queen was hot against Armagnac, and bribery was used all round. She also used her arts at night to impress the king with the great honour which was being done him by the marriage, and since she was 'sy ferme a tenir son oppinion' the king and council had no choice in the matter. And so according to this account the affair was settled in favour of the duke of Burgundy.⁸⁶

Two English prelates immediately crossed to St. Omer. Henry assembled 1,000 men-at-arms and 2,000 archers, and the force, under the command of the earl of Arundel and Sir Gilbert Umfraville, crossed to Calais to await the orders of the duke of Burgundy. This was before the end of September 1411. Meanwhile Paris was beset by the duke of Orleans, who succeeded in taking St. Denis on 11 October and commenced a blockade. On the 23rd Burgundy effected a junction with the English at Pontoise. The duke entertained his allies royally,⁸⁷ and great amity prevailed, so much so that when the bad news arrived from Paris the earl of Arundel exclaimed, 'Never fear, my Lord, we will send them English flies in such abundance that their place will soon be void.'⁸⁸ They then made for Paris. On 8 November a force composed of Burgundians, citizens of Paris, and the whole of the English contingent left the city by the Porte St. Jacques and attacked the Armagnac entrenchments at St. Cloud. The Orleanists were expelled with the loss of about nine hundred men and retreated beyond the Loire, leaving Burgundy secure in Paris. The English auxiliaries were dismissed on 18 December with gifts and honours, and retired to Calais. St. Cloud was the presage of the fighting alliance of England and Burgundy against France which was to become one of the great features of the first half of the fifteenth century. The duke of Burgundy seized upon the right policy almost by accident. John the Fearless was no cordial friend of England, and the episode which ended in the battle of St. Cloud was only brought

⁸⁶ *Trahison*, pp. 72-7, 94.

⁸⁷ *Itin. de Jean Sans Peur*, p. 334.

⁸⁸ *Trahison*, pp. 113 seqq.

about by the sharp competition of the Armagnacs for English support. Even at the last moment John was seriously contemplating another attack on Calais, while English troops were already fighting both on the Armagnac and Burgundian sides. During the campaign the negotiations for the marriage had hung fire, but in January 1412 the duke sent ambassadors to continue them, and in February a return commission proceeded to the court of Burgundy, headed by the bishop of Durham. Both embassies were concerned also with the affairs of commerce.⁸⁹

At this moment there occurred a sudden change in the aspect of English internal politics which ruined Prince Henry's marriage project. Bishop Beaufort on 11 November 1411 proposed to Henry IV that he should resign the crown on account of ill health. The king took the suggestion with a bad grace, and dismissed Thomas Beaufort from his position as chancellor and the prince of Wales from the presidency of the council, where he was replaced by his brother Thomas, soon to be made duke of Clarence, while Arundel became chancellor in the room of Beaufort. The Arundels were violently Armagnac for no other reason than that their rivals supported Burgundy, and it was this fact more than any fixed design on the part of Henry IV to act as a make-weight in French affairs that now made the English veer round to the Armagnac side. This point was appreciated by a contemporary writer, for he makes a distinction between the embassy which came in 1411, 'fro the duc of Bourgne unto the prince of England', and that of 1412, when 'the duc of Orleance sent ambassadors into England unto King Henry IV',⁹⁰ in which the Armagnacs, quick to discern the signs of the times, offered the duchy of Aquitaine as a stimulant to the Arundel clique. On 18 May 1412 a treaty on these terms was concluded with the duke of Orleans. John the Fearless in high displeasure seems to have instantly taken aggressive steps, having perceived the drift of English affairs, for Henry IV wrote on 16 May, to the 'honourable and prudent burgomasters of Ghent, Bruges, and Ypres', stating that he had received trustworthy information that their suzerain was about to invade Guienne with intent to do damage 'to our dear friends the Dukes of Berri, Orleans, and Bourbon, and the Counts of Alençon and Armagnac'. This being so, he wished to know their intentions in the matter, and whether they were going to maintain the treaty which they had made with England in partial independence of him. The Flemish communes, who distrusted their duke and were not inaccessible to English gold, sent back a reassuring reply, and

⁸⁹ *Foedera*, viii. 728.

⁹⁰ Quoted from a Harley manuscript by Kingsford, *Henry V*, p. 75.

on 11 June the captain of Calais was instructed to proclaim the renewal of the Anglo-Flemish truce at the request of the states of Flanders. Similar instructions were issued to the lieutenant of Dover Castle, the warden of the Cinque Ports, and the mayors of Sandwich and Winchelsea. By the treaty of 18 May with the Armagnacs Henry had undertaken that for the future neither he nor his heirs would make any truce or alliance with the duke of Burgundy, his sons, brothers, or any of his German connexions whatsoever without the assent of the duke of Orleans. These promises were confirmed personally by the king's four sons, Henry, Thomas, John, and Humphrey, two days later. On 23 August John of Burgundy sent Henry a belated notice to the effect that the king of France had directed him to dissolve his alliance with England; but events were proceeding apace, and Henry's Orleanist connexion was destined to be of short duration. It was no small gain for the prince of Wales that the expedition under Thomas, duke of Clarence, to aid the Armagnacs proved a decided failure. After a few desultory wanderings in Normandy, Clarence found that Orleans was already making overtures to the enemy. The arrangement which the patriotic dukes eventually came to was that the party which had invited the English into France should purchase their withdrawal. In the following November Clarence withdrew into Aquitaine under these new conditions. The Anglo-Burgundian atmosphere was again clear, and remained so until Humphrey of Gloucester coveted the domains of Jacqueline of Hainault.

Meanwhile Henry IV was dying and power returned to the heir apparent, who immediately revived the negotiations for a marriage alliance with Burgundy. The king passed away on 20 March 1413 and Henry V took up the reins of government. A few months later, on 14 September, the earl of Warwick, the bishop of St. Davids, and the Lord Scrope arrived at Bruges to inquire the intentions of the duke of Burgundy and to resume the subject of the marriage. They were accompanied by a stately train, sojourned at Bruges until the 19th, and then returned by Calais.⁹¹ But the alliance was not destined to take place thus early; John the Fearless never hurried, on principle, and death overtook him before he had really made up his mind as to the relative values of Henry V and the dauphin of France. Neither did the king of England wait for him. The Armagnac princes had control of the French king's person and the capital. England resounded with the drums of war. The king would claim his own; the usurping Valois at length had reached their term. The duke at Bruges also revived; his eye travelled far. All the posts from Bruges carried one

⁹¹ Plancher, iii. 392.

message ; the vassals of Burgundy were not to rally to the lilies. Agincourt was to be an Armagnac disaster. The affairs of France were not those of Burgundy.

It was a singularly appropriate close to the career of John the Fearless that the decision which he was reluctant to arrive at was effected, though indirectly, by his enemies. His death by the hand of an assassin on the bridge of Montereau on 10 September 1419 opened a new epoch in the relations of England and Burgundy.

L. V. D. OWEN.

Walsingham and Burghley in Queen Elizabeth's Privy Council

WALSINGHAM was introduced by Burghley into the public service: he did his first work for the Crown in a semi-official capacity under Burghley's direction, and to him undoubtedly he owed his appointment as ambassador to France in 1570, which marks the beginning of his official career.¹ During the period of Walsingham's service in France the two men remained upon the most cordial and confidential terms. So far as can be gathered from the letters which passed between them, their views upon matters of public policy were in substantial agreement.² It is true that Walsingham corresponded freely at the same time with Leicester, whose hostility to Burghley was well known in English official circles, but there is no evidence that he took any part at this time in the personal differences between his superiors. Although he seems to have won Leicester's favour he still insisted that he was Burghley's man. 'I can say no more', he wrote to Burghley from Paris in July 1572, 'but that I owe myself and all that I have to your Lordship. I hope your Lordship doth so make account of me or else you do me wrong.'³ It was probably at Burghley's instance that he was appointed to the office of principal secretary with a seat in the privy council in 1573, shortly after his return to England.⁴

¹ *Correspondance de La Mothe-Fénelon*, iii. 275 (cited in Stählin, *Sir Francis Walsingham und seine Zeit*, i. 271).

² Most of Walsingham's correspondence while in France was published by Digges, *The Compleat Ambassador* (London, 1655). The book is carelessly printed, especially in those places where an attempt is made to reproduce passages in cipher. Reference should be made wherever possible to the originals, most of which are preserved in the Public Record Office and among the Cotton MSS. in the British Museum. A few of the letters given by Digges are missing in the original. Contemporary copies of many will be found in the British Museum, Harleian MS. 260, and Stowe MS. 147. These, again, should be used with caution.

³ Cotton MS. Vespasian, F. vi, fo. 120 (not printed by Digges).

⁴ Leicester hints at some share in this in a letter to Walsingham of 18 January 1572/3: 'You know what opinion is here of you, and to what place all men would have you unto, even for her Majesty's sake; besides that, the place you already hold is a Councillor's place and more than a Councillor's place for a time, for oft times Councillors are not made partakers of such matters as you are acquainted withal.' (Cotton MS. Vespasian, F. vi, fo. 261, printed by Digges, p. 321, but misdated.)

Walsingham was then over forty years old, and his views upon the fundamental problems which confronted England were clearly defined. In religion he was radically protestant. The French ambassador in London described him as 'fort affectionné à la nouvelle religion',⁵ a Spanish agent pronounced him 'of all heretics the worst'.⁶ His protestantism was indeed of a more extreme type than that which the Elizabethan establishment represented. He had much more in common with the puritans than with the Anglicans. But he was no precisian in his theology. He accepted the Anglican church because he believed it was the best which could be obtained at the time,⁷ and he insisted that unity among the brethren was more important than the maintenance of minor points of difference in matters of faith and ritual.

The time requireth [he observed] a unity and perfect agreement rather in them that make profession of that truth which is elsewhere impugned and hath so mighty enemies and so cruel wars enkindling against it in these days amongst our fellow members abroad. Our unity might be a strength to ourselves and an aid unto our neighbours, but if we shall like to fall at division among ourselves, we must needs lie open to the common enemy and by our own fault hasten, or rather call upon ourselves, our own ruin.⁸

Yet Walsingham plainly preferred unity upon the basis proposed by the puritans, and he could be depended upon to exert his

⁵ *Correspondance de La Mothe-Fénelon*, iii. 275.

⁶ *Calendar of State Papers, Spanish*, Eliz., ii. 482. Champagney, who was sent over to England by the council of state in the Low Countries in 1576, observed, 'Walsingen . . . n'est aultant calviniste que puritain' (Gachard, *Correspondance de Philippe II*, iii. 848). In the same letter, dated 17 March 1576, Champagney makes some interesting observations also about other members of the English privy council.

⁷ Walsingham wrote an illuminating letter on this subject in March 1578 to William Davison when he was Elizabeth's agent in the Low Countries. 'The Merchant Adventurers here [in England]', he wrote, 'have acquainted me with an intended alteration of the exercise of common prayer there [in Antwerp], contrary to, or at least not agreeable with the received order in the church of this realm; and have also let me understand that you are a principal furtherer thereof. I have thought good, therefore, as one that wishes you well, to let you understand that if it should come to her Majesty's ears it would greatly kindle offence as well against the said Adventurers for yielding to such a connivance, as also against yourself for the furthering of the same. I do not write this as one that misliketh of such a form of exercise of prayer; only I would have all reformation done by public authority. It were very dangerous that every man's private zeal should carry sufficient authority of reforming things amiss. Mr. Travers, your minister there, knoweth my opinion in that matter. If you knew with what difficulty we retain that we have and that the seeking of more might hazard (according to man's understanding) that which we already have, you would then, Mr Davison, deal warily in this time when policy carrieth more sway than zeal. And yet have we great cause to thank God for that we presently enjoy, having God's word sincerely preached and the Sacraments truly administered. The rest we lack we are to beg by prayer and attend with patience.' (*Public Record Office, State Papers, Holland and Flanders*, vi. 54.)

⁸ Walsingham to Randolph and Bowes, 16 March 1577/8 (Harleian MS. 6992, no. 50).

influence steadily in support of their ideas. As Sir Robert Naunton quaintly puts it, 'he was one of the great allayes of the Austerian embracements.'⁹

Walsingham's religion coloured his whole view of foreign policy. He regarded religion as the determining factor in the diplomacy of the times. For that reason he pinned little faith on alliances with catholic princes. In commenting upon a proposed treaty with Spain in 1575 he remarked, 'Surely, hardly will there follow any thorough reconciliation between us unless we can draw to one unity in religion, for Christ and Belial can hardly agree.'¹⁰ He urged Elizabeth instead to throw herself heart and soul into the support of rebellious protestants both in France and in the Low Countries.

What juster cause [he asked] can a prince that maketh profession of the Gospel have to enter into wars than when he seeth confederacies made for the rooting out of the Gospel and religion he professeth? All creatures are created to advance God's glory; therefore, when this glory is called in question, no league nor policy can excuse if by all means he seek not the defense of the same, yea, with his life.¹¹

He was, indeed, quite prepared to sacrifice English interests for the sake of what he considered the greater cause. 'Above all things,' he wrote on one occasion, 'I wish God's glory and next the Queen's safety.'¹² In reality he identified the two. To his thinking the interests of England and the interests of protestantism at large were one and the same. There is a good deal of truth in Naunton's statement that he was 'chief of those that laid the foundation of the Dutch and French wars'.¹³

Burghley was more of an opportunist in religious matters. Walsingham had fled abroad when Roman catholicism was established in England under Mary; Burghley had conformed. Although he was no doubt a protestant by choice, his religion did not play the part in shaping his policies which it did with his colleague. In helping Elizabeth to establish her church in England he had been chiefly guided by reasons of state. For reasons of state also he insisted, like her, in keeping to the *via media*. He accepted the principle of an established church as a political necessity, and regarded dissent as a dangerous kind

⁹ *Fragmenta Regalia* (ed. Arber), p. 37.

¹⁰ Kervyn de Lettenhove, *Relations politiques des Pays-Bas et de l'Angleterre sous le Règne de Philippe II*, vii. 402.

¹¹ State Papers, Foreign, Elizabeth, cxxxvi, fo. 461. This paper is not signed or dated. It is written in the hand of one of Walsingham's secretaries, and there can be little doubt that he was the author of it.

¹² *Cal. of State Papers, Foreign*, 1569-71, no. 1139. The calendar names Burghley as the person to whom this letter was addressed, but the context clearly points to Leicester.

¹³ *Fragmenta Regalia*, p. 37. Camden speaks of Walsingham as 'a most sharp maintainer of the purer religion' (English translation, London, 1635, p. 394).

of rebellion. He was intolerant of catholic recusants, almost equally intolerant of puritan nonconformists.¹⁴ But his persecution of both was singularly free from religious animus. Probably he never accurately gauged in others the strength of a religious zeal which he never experienced himself. For that reason he never wholly favoured a foreign policy which depended largely for its success upon the religious zeal of Dutch Calvinists and French Huguenots. He inclined rather to discount the force of religion in continental affairs and to follow a course of policy abroad which was based upon the inveterate antagonism of France and Spain. He was, in fact, a *Politique*. In contrast with Walsingham he preferred national considerations before religious ones.

In this difference of point of view between the two men upon the fundamental question of the times lay the seeds of division which inevitably developed into open opposition upon matters of public policy as Walsingham's influence in the privy council increased. Champagney, a Flemish agent in London, noted early signs of this in 1576. He gathered from the gossipers about the court that Burghley was growing wary of Walsingham, who was beginning to encroach far upon his credit.¹⁵ Some Dutch envoys, who were in London in the same year begging help from Elizabeth, complained that Burghley had been 'the only obstacle to this Holland service by persuading her Majesty from the enterprise', whereas Walsingham 'had dealt honestly with them from the first'.¹⁶ Evidently the breach between the two was beginning to open where their divergence of views was most marked, namely, upon the question of assisting protestant rebels.

¹⁴ Such, at least, was Burghley's attitude in public. Edward Dering attacked Burghley in 1572 for his hostile attitude towards Cartwright (cf. Strype's *Annals*, II. ii. 483). There can be little doubt that Burghley was partly responsible for the harsh measures taken towards separatists (cf. Frere, *Hist. of the English Church 1558-1625*, p. 251). For Burghley's part in the examination of Barrow compare Arber, *The Martin Marprelate Controversy*, pp. 41 *seqq.* On the other hand, as David Lloyd points out in his *Worthies* (ed. 1670, p. 477), Walter Travers, a man clearly of Cartwright's persuasion, was for a time Burghley's domestic chaplain and the tutor of his son. This would seem to indicate that Burghley was privately a good deal more closely in sympathy with the puritan nonconformists than he let appear in his public bearing towards them.

¹⁵ This passage in Champagney's letter (cited above, p. 35, n. 6) is rather obscurely worded, but the sense of it is plain: 'Quand à Cecel, grand-trésorier d'Angleterre, sa mesme inclination le rendra facile, si on en veult user, . . . qui en somme faict le travail de toutes affaires de Walsingen (j'en ay escript aultrefois), le quel ne convient avec ce dernier que pour sa religion, s'il n'est aultant calviniste que puritain, ou tel qu'il peut estre encoires pis, ennemi des estrangiers, et intéressable, et à qui l'on tient que le dict Grand-Trésorier garde une pensée, car il commence à impiéter fort sur son crédit, qui est jeusne, et l'autre travaillé de goustes et aultres indispositions.'

¹⁶ William Herle to Burghley, 14 March 1575/6 (*Cal. of State Papers, Foreign, Eliz.*, 1575-7, no. 668).

Two years later Bernardino de Mendoza, Spanish ambassador at London, an unusually shrewd observer, wrote to the king of Spain :

Although there are seventeen Councillors, with the two secretaries, Hatton and the new ones, the bulk of the business really depends upon the Queen, Leicester and Walsingham and Cecil, the latter of whom, though he takes part in the resolutions of them by virtue of his office, absents himself on many occasions, as he is opposed to the Queen's helping the [Dutch] rebels and thus weakening her own position. He does not wish to break with Leicester and Walsingham on the matter, they being very much wedded to the States [of the Low Countries]. . . . They urge the business under the cloak of religion, which Cecil cannot well oppose. Nor can he afford to make enemies of them as they are well supported. Some of the Councillors are well disposed towards your Majesty, but Leicester, whose spirit is Walsingham, is so highly favoured by the Queen, notwithstanding his bad character, that he centres in his hands and those of his friends most of the business of the country.¹⁷

Here again is testimony to the fact that Burghley and Walsingham were separating upon the Dutch question. It is to be observed also that Walsingham, in his opposition to Burghley, was joining forces with Leicester. This alliance had the effect of strengthening Walsingham's position considerably. Leicester was a poor statesman, and his zeal for protestantism was probably in its origin political rather than religious, but his commanding place in the queen's affections made him one of the most influential councillors in the court circle. No doubt this was the element in him which attracted Walsingham. Leicester's support promised to win for his ideas a consideration at court which they could hardly otherwise have obtained. Leicester, on his part, was probably impelled towards Walsingham by his old desire to turn Burghley out of power. For that reason he had joined with Norfolk's crypto-catholic party in 1569. Norfolk's failure, and the dissolution of his party which attended his execution in 1572, had left Leicester for the time being in disfavour. He undertook now to strengthen his position against his rival by an alliance with the strong man among the radical protestants, intending to exploit their strength for his own purposes as Walsingham intended to exploit his court influence in the interests of puritanism.

It is not surprising to find that these divisions, partly religious and partly personal, between the most influential councillors

¹⁷ *Cal. of State Papers, Span.*, Eliz., ii. 486. About two months after this Mendoza wrote to Philip's secretary, 'I can assure you that the Earl of Sussex is sincerely attached to his Majesty's interests, and Cecil also, though not so openly.' He went on to recommend that an attempt be made to bribe them, together with Sir James Crofts, to support Spanish interests (*ibid.* ii. 586-7).

communicated themselves to the privy council at large. From 1578 onward two groups are discernible among the councillors, one of which supported Burghley's views and the other those which Leicester and Walsingham combined to represent. Generally speaking, upon disputed questions of public policy the council split along this line of cleavage. It would perhaps be misleading to speak of these groups as political parties. They possessed nothing like party organization in the modern sense of the term. Yet each group had its leader and its programme, to which each lent a fairly consistent support.

Burghley's views, and to a considerable extent his antagonism to Leicester, were shared by the older members of the privy council. Sussex, the lord chamberlain, hated Leicester with all the fervour of a passionate nature. Like Burghley, Sussex was a protestant. Like Burghley also, his protestant zeal had been tempered by a period of catholic conformity under Mary. He was a skilful diplomatist, a gallant soldier, and an accomplished courtier; and he was related to the queen through his mother. For all these reasons he enjoyed a considerable amount of the royal favour. Throughout his life he was a constant advocate of Burghley's views.¹⁸ Lord Hunsdon, Elizabeth's first cousin, belonged to the same party. After Sussex died, in 1583, Burghley seems to have tried to make use of Hunsdon as a counterpoise to Leicester at court, 'though God wot', Walsingham wrote in bearing testimony to the fact, 'he be but a weak one'.¹⁹ Among the other councillors, Lincoln, the lord

¹⁸ On the 8th of November 1578 Sussex took occasion to assure Burghley that he would on all occasions 'stick as near to you as your shirt is to your back' (Lodge, *Illustrations of British History*, ii. 133-4).

¹⁹ This quotation is from a draft of a letter which Walsingham sent to William Davison in Scotland on the 12th of July 1584. The letter as sent differed in some particulars from the original draft. It is an excellent example of Walsingham's caution that in the draft he uses arbitrary signs to indicate the names of persons spoken about. Fortunately there is a sufficient degree of similarity between the form of the draft and the letter as actually sent to make it possible to determine from the latter the meaning of these arbitrary signs in the draft. This will appear from a comparison of the two. The letter as sent reads as follows, the passages in italics being written in cipher: 'Touching the bye course between *Lord Hunsdon and Arran*, there is nothing to help it but time and trial. You know *Lord Hunsdon's* passion, whose propinquity in blood doth somewhat prevail to enable his credit to do more harm than good. And yet herein he should not greatly prevail were he not countenanced by the *Lord Treasurer* who dealeth strangely in the matter of Scotland. I find that men begin to look to the sun rising and therefore it will behoove her Majesty to make much of faithful servants' (State Papers, Scotland, xxxv, no. 54). The draft runs as follows: 'Touching the bye course . . . you know D. C. [Lord Hunsdon's] passion, whose propinquity in blood doth somewhat prevail here especially being countenanced by B [Burghley], who doth use H. [Hunsdon] as a weak counterpoise against L. [Leicester], though, God wot, he be but a weak one. B. [Burghley] hath always liked to entertain by courses which groweth from lack of resolution in him, which I pray God may not be the destruction of England' (State Papers, Scotland, xxxv, no. 55). The names in brackets are my own insertions. There can be no doubt

admiral, who had also conformed under Mary,²⁰ Bacon, Burghley's brother-in-law, and Sir James Crofts,²¹ who was later imprisoned for treasonable dealings with Spain, were of the same party. So were Whitgift, Cobham, and Buckhurst, who were created councillors in 1586 for the express purpose of counterbalancing the influence of Leicester's friends.²² No doubt the fact that most of these men were older than their colleagues had something to do with their conservative tendencies. Several of them had received their political training and shaped their religious views before the accession of Elizabeth.

Those of the opposing group were ardent protestants, most of them younger men, almost all of them without political experience when Elizabeth came to the throne. Leicester was their most powerful advocate at the court and in the council, but Walsingham formulated their programme and, by adroit management of his capricious ally, directed their policy. Among the peers it numbered Leicester's brother, Warwick, and the earl of Bedford. Warwick naturally followed his brother's fortunes. Bedford, who was Warwick's father-in-law, was a zealous protestant, and had been a refugee on the Continent during Mary's reign. Among the commoners Walsingham was the most conspicuous, but was certainly no more enthusiastic in his protestant attachment than was Sir Francis Knollys. Like Walsingham, Knollys had been a refugee abroad under Mary, and like him also had come back more radically protestant than ever, and was perhaps the most outspoken of all the council in his

that D. C. stands for Hunsdon and B. for Burghley. Possibly H., which I have interpreted Hunsdon, may stand for Hatton, although it seems to me much more likely that it also refers to Hunsdon. L. I take to be Leicester from the context, from the suggestion of the initial letter, and from the fact also that Leicester would be the man, above all others, against whom Burghley would wish to use a counterpoise.

²⁰ Lincoln's attitude comes out strongly in a letter to Burghley of 26 March 1585, in which he explains that a certain visit which he had paid to the French ambassador was purely of a friendly nature, and that he harboured no treacherous designs nor had spoken to the ambassador about anything which might not be published before the world. He adds that since Leicester disliked his intimacy with the ambassador he had done all he could to break off the acquaintance. Lincoln concludes as follows: 'These treacheries to overthrow noble houses which never were false nor spotted, to slander the innocent persons against whom they can truly allege no cause of suspicion, to impoverish those which are already almost ruined with hard dealings of cunning and wicked women, the living God will revenge the wrong, to whom I must appeal for redress' (State Papers, Domestic, clxxvii, no. 41). Some uncertain light may be gathered from this letter as to the view of Leicester's methods held by his opponents.

²¹ Compare the article on him in the *Dictionary of National Biography*. After Leicester's death, Crofts' son Edward was charged before the privy council with having compassed Leicester's death by conjuration (cf. Strype's *Annals*, III. ii. 615), but nothing apparently came of it.

²² Chateaufort to Mary Stuart, 24 February 1586 (State Papers, Mary Stuart, xvii, no. 24); and Thomas Morgan to Mary Stuart, 21 March 1585/6 (*ibid.* xvii, no. 31).

criticism of the established church. The fact that he had married Elizabeth's first cousin perhaps gave him a kind of warrant for his frankness. Leicester, Warwick, Bedford, Walsingham, and Knollys together formed the nucleus of an aggressively protestant party in the council. In some sense one might speak of them as a family compact, because they were all related to each other by blood or by marriage.²³ It is significant to observe also that with the exception of Hunsdon all the important additions which were made to the privy council between 1573 and 1586 belonged to the same party.²⁴ There can be little doubt that this fact was due to Leicester's influence with the queen.²⁵ Burghley himself ruefully admitted as much.²⁶

During most of the period under consideration, Leicester and his partisans commanded a numerical preponderance in the council. If Elizabeth's policy had been determined by counting heads in that body, Leicester and Walsingham for eight or nine years would have controlled the destinies of England. This, however, was not the case, because the queen followed the advice of her council only when it suited her, and was much more often at odds with the ardent protestants than in accord with them. Yet indirectly the sentiments of her council at large must have

²³ Warwick was Leicester's brother; Bedford's daughter Anne was Warwick's wife; Knollys's daughter Lettice married Leicester; Walsingham's daughter Frances married Sir Philip Sidney, Leicester's nephew.

²⁴ These were Dr. Thomas Wilson, appointed privy councillor in 1577, Sir Christopher Hatton, appointed in 1578, Sir Thomas Bromley in 1579, and Lord Howard of Effingham in 1583 or 1584. Wilson was an ardent protestant. Howard's sympathies were plainly with the party of war. (*The Dictionary of National Biography* asserts that Howard was made lord chamberlain in 1574, which is obviously wrong, because Sussex held that office until his death in 1583. Howard was probably appointed late in 1583 or early in 1584: cf. *Cal. of State Papers, Span.*, Eliz., iii. 513). Bromley was Leicester's candidate for lord keeper after Sir Nicholas Bacon's death, and secured the appointment in spite of Burghley's opposition (*ibid.* ii. 658, 663). As for Hatton, he remained Leicester's close friend and staunch supporter so long as they were associated in the council.

²⁵ The Spanish ambassador wrote to his master on 1 January 1582 that Elizabeth herself had confessed that she could hardly overthrow Leicester 'as he had taken advantage of the authority she had given him to place kinsmen and friends of his in almost every post and principal place in the kingdom' (*ibid.* iii. 267).

²⁶ Burghley wrote to William Herle on 14 August 1585: 'I could not omit to answer a notable, absurd, manifest lie, which is that Councillors are forced to seek at my hands means for their suits. If it were considered how and upon whom for these late years all manner of offices good and bad, spiritual and temporal, have been bestowed, to whom the persons benefited belong and who they do follow it will easily be judged how rarely I do or have dealt therein. I know my credit in such cases so mean, and others I find so earnest and able to obtain anything, that I do utterly forbear to move for any, whereupon many of my good friends do justly challenge me as unwise that I set to place neither man nor woman in the chamber or without,' &c. (*State Papers, Domestic*, clxxx, no. 42). This letter, in which were folded many previous letters of Burghley to Herle, is endorsed: '1585. Letters from the L. Burghley, L. Treasurer of England, found amongst his writings and brought to the Earl of Leicester at the death of Herle.'

had considerable weight with her. Furthermore, after the death of Secretary Smith in 1577, both the principal secretaries were of Leicester's persuasion. This gave him a very considerable advantage, because the secretaries, Walsingham particularly, were responsible for the correspondence which passed to and from government agents at home and abroad. Theoretically they merely acted for the queen, practically they could and did largely determine the character of the instructions which subordinate officials received and the character of the reports which these officials made to the queen. They had a good deal to do also with the appointment of these officials. Indeed, most of the public servants of the Crown, particularly those employed abroad, were little more than agents of Walsingham, and their conduct in office was largely determined by him.²⁷ In the actual administration of the government his party clearly dominated the situation.

It is not surprising to find the influence of these parties at work in the imposition of the religious settlement upon the country. Walsingham's party was evidently much less tolerant in its attitude towards the catholics than its opponents were.²⁸ Burghley's party, on the other hand, was much more severe in dealing with protestant nonconformity. The puritans regarded Walsingham as their best friend in England. How far he and Leicester were responsible for mitigating the severity of their persecution it is difficult to say. But it is worth noting that they were not very rigorously dealt with until the last decade of Elizabeth's reign, when their two most powerful advocates had passed from the scene.²⁹

In foreign affairs the partisan spirit in the council displayed itself clearly for the first time, as has been remarked already,

²⁷ Sir Edward Stafford, ambassador to France, who was an exception to the general rule and looked to Burghley rather than to Walsingham, complained more than once of Walsingham's attempts to bring him into 'bondage'. 'I wish to God', Stafford wrote to Burghley on 9 June 1585, 'Mr Secretary would look better into my letters. . . . But I perceive that I must either write things as they be not, as I know others have done, and please their humors, or else I must be subject to the hard interpretation of anything I write' (State Papers, France, xiv, fo. 30).

²⁸ Burghley's opposition to the catholics seems to have been based purely upon political grounds. He set forth his views in his famous pamphlet, 'The Execution of Justice in England'. Walsingham and the protestants, on the other hand, although they justified the persecution of the catholics on the same grounds, were probably stimulated in their anti-catholic attitude by a religious animus. It cannot be without significance that the catholics singled out Leicester as the principal object of their attack. Compare the notable tirade, wrongly attributed to Robert Parsons, called 'Leicester's Commonwealth'.

²⁹ In a Brownist petition of the year 1593 reference is made to Walsingham, who died in 1590, in such terms as to make it quite clear that they remembered him as one of their advocates in the past. The petition is printed in full by C. Burrage, *The Early English Dissenters*, ii. 113 *seqq.*; see especially p. 120.

in the debates over Elizabeth's policy towards the Dutch rebels in 1576-8.³⁰ The division was even more sharply drawn in connexion with the Anjou marriage negotiations, which began to occupy most of the queen's attention towards the end of the year 1578. In this tortuous courtship Elizabeth, if she had any definite policy, managed to conceal it even from her most intimate advisers. Burghley, after some hesitation, came to the conclusion that she really wished to marry her French suitor, and became in consequence a supporter of the match. Foreseeing trouble with Spain, it seemed to him the obvious way to secure a French alliance. Furthermore, if the queen were safely married to another, the dangerous possibility of her marrying Leicester would be finally removed, and in all probability his influence at court would be considerably diminished. From every point of view the marriage seemed to Burghley desirable, and his views were shared by Sussex and probably by the others of his party.³¹ Leicester opposed the match vigorously, and by laying stress upon the serious consequences to protestantism which might follow a marriage between the queen and a Roman catholic prince, ranged the radical protestants on his side. It would be interesting to know how far he was responsible for the famous letter which his nephew, Sir Philip Sidney, wrote to the queen on this subject,³² and how far he created the antagonism to the

³⁰ On 25 December 1581 Mendoza wrote to Philip II, 'The Treasurer [Burghley] proposed [in a meeting of the privy council] that it would, under the circumstances, be advisable to seek the friendship of your Majesty, tranquillizing affairs in the Netherlands and confirming the alliance with your Majesty. The object of this was to sound the other Councillors on the subject. The Lord Chancellor [Bromley] approved the idea, as did also the Admiral [Lincoln] and Sir James Crofts the Comptroller, all of whom agreed with Cecil, whilst Leicester, Hatton, Knollys, the Treasurer of the Household, and Walsingham were of a different opinion' (*Cal. of State Papers, Span., Eliz., iii.* 249). Mendoza hinted further that though Sussex declined to commit himself he was pretty clearly of the same party.

³¹ The most precise statement of Burghley's views is to be found in the draft of a letter to the queen, dated 28 January 1578/9 (*Cal. of Hatfield MSS.* ii. 308). There can be little doubt that Burghley was responsible for this letter, although the draft is in the hand of his son, Sir Thomas Cecil. The testimony of the Spanish ambassador in London on the whole indicates Burghley as a supporter of the marriage (*Cal. of State Papers, Span., Eliz., ii.* 662, 702; *iii.* 31, 84). A Venetian ambassador in Paris, whose opinion reflects perhaps the views held at the French court, declared that the council was divided, 'one party siding with Lord Robert, who does not approve the marriage, and the other party with the Treasurer, who does approve and advises it' (*Cal. of State Papers, Ven., Eliz., i.* 646). With the exception of the draft cited above, Burghley's own statements are non-committal. Sussex was an ardent supporter of the match (Lodge, *Illustrations*, ii. 177-86; *Cal. of State Papers, Span., Eliz., iii.* 274-5). Mendoza mentions Sir James Crofts among 'the ministers most in favour of the marriage' (*ibid.* *iii.* 84). The *Dictionary of National Biography* represents Hunsdon as of the same opinion (article 'Henry Carey'). I can find no statement of Lincoln's attitude, but presumably he was in accord with Burghley.

³² This letter has been many times reprinted. It will be found in the *Sidney Papers*, i. 287-92. Sir Edward Stafford, English ambassador to France, who was hostile to Leicester's faction, makes an interesting comment on Sidney in a letter

match in puritan London which found expression in John Stubbs's notable tirade.³³ At all events the council was frankly divided on the point, so frankly divided that a Venetian ambassador in Paris could bear testimony to the fact.³⁴ Leicester's enemies did their best to discredit his influence by telling the queen of his secret marriage with Lettice Knollys, and for the moment succeeded but failed in the end.³⁵ Leicester was not only able to prevent the French match, but turned the whole matter to the furtherance of his foreign policy by inducing the queen to subsidize Anjou to fight the battles of the Dutch rebels overseas.³⁶

The antagonism between the two parties found expression in another event which happened at the same time. Late in September 1580 Drake sailed into Plymouth harbour, after his long voyage round the world, with a ship full of Spanish treasure. The Spanish ambassador at once demanded that the plunder should be restored to its rightful owners and the plunderer punished as he deserved. Burghley and his party, who were afraid that serious consequences might ensue, were in favour of making restitution. Leicester and Walsingham dissented. Apart from the fact that they had money invested in the enterprise, they were opposed to making any concession whatever to Spain. As they were prepared to defy Philip II in the Dutch wars, they were equally prepared to defy him on the high seas. Their sentence was and remained for open war with Spain. Elizabeth did not share their bellicose purposes, but she was eager for her share of the spoils. The consequences were that restitution was not made and that Drake was publicly honoured. Once more Leicester and Walsingham had triumphed over their opponents and advanced a step further in their policy of hostility towards Spain.³⁷

They urged the queen to dispatch Drake against the Spaniards again in command of an expedition to support the cause of the

to Burghley of 11 August 1584. Stafford writes from France that he hears he is out of favour with the queen and that Walsingham has sent him a message assuring him that this was not deserved. 'The which message is somewhat suspicious to me because Sir Philip Sidney, whose letter I have sent your Honour to see, somewhat, but not in the same terms, writ it to me. . . . The gentleman [Sidney] I love very well and if he had not been at a bad school, which may corrupt any good nature, I could trust him very well, but all things hanging together, I am more than half afraid that he is made but a stale to take a bird withal' (State Papers, France, xii, fo. 133).

³³ 'The Discoveries of a Gaping Gulf whereinto England is like to be swallowed by another French marriage, if the Lord forbid not the banes by letting her Majesty see the sin and the punishment thereof.'

³⁴ See above, p. 43, n. 31.

³⁵ Hume, *Courtships of Queen Elizabeth*, p. 209.

³⁶ Froude, *Hist. of England*, xi. 559 (1870).

³⁷ Corbett, *Drake and the Tudor Navy*, i. 310 seqq.

Portuguese pretender, Don Antonio, in the Azores. Elizabeth was not disposed to go so far as that, and so the enterprise came to nothing.³⁸ But fortune favoured the party of war. Walsingham succeeded in unravelling the Throgmorton plot late in the year 1583, and found conclusive evidence that Mendoza, the Spanish ambassador at London, had been implicated in it. This served to confirm what he had been insisting upon for years, that Spain was not to be trusted. The immediate consequence was another triumph for his policy of open hostility. Mendoza was ordered to leave the country.³⁹ Diplomatic relations between Spain and England were severed, and the way prepared for Leicester's expedition to the Low Countries the following year.

But before the Dutch question found its ultimate solution the partisan spirit in the council had revealed itself in connexion with Elizabeth's policy in other quarters. It appeared, for instance, in a rather striking form in the relations between England and Scotland after the raid of Ruthven in 1582. No doubt Elizabeth was partly responsible for that *coup d'État*. It had the effect of restoring the pre-eminence of the English protestant party in the northern kingdom, which had suffered eclipse during the period of Aubigny's ascendancy.⁴⁰ Unfortunately for England the term of Ruthven and his friends was a short one. Before a year passed Captain James Stewart, earl of Arran, whose friendship for England was by no means certain, had won Aubigny's place in the king's regard. Elizabeth was so much alarmed that she sent Walsingham himself to Scotland to consider the situation. He came back with a very bad opinion of James and of the state of his feelings towards England.⁴¹ It became apparent to the English council that some further measures must be taken to secure 'the postern gate'.

Upon the question of what should be done the council divided. Walsingham, when he was in Scotland, had talked with the leaders of the English party there, and had found them apt for a new raid of the Ruthven type if Elizabeth would give them a definite sum of money to work with.⁴² He himself was strongly in favour of this course.⁴³ Burghley and his

³⁸ *Ibid.* pp. 323 *seqq.*

³⁹ *Cal. of State Papers, Span., Eliz.*, iii. 513. It is perhaps worth noting that the committee of the privy council which served formal notice upon Mendoza to leave England did not include Lord Burghley. Walsingham, because of his skill in Italian, was the chief spokesman on that occasion.

⁴⁰ P. Hume Brown, *History of Scotland*, ii. 187-8.

⁴¹ Stählin, *Der Kampf um Schottland*, pp. 120 *seqq.*

⁴² Froude, xi. 601.

⁴³ Cf. Walsingham to Leicester, 22 September 1583: 'This bearer I dispatch with all speed with an offer that may make good effect if it please her Majesty to take hold thereof. . . . If this occasion be neglected, farewell Scotland' (Cotton MS. Caligula, C. ix, fo. 95).

followers, however, were opposed to violent measures.⁴⁴ Their influence was strong enough to prevent Elizabeth from doing anything in behalf of the English party. In consequence, the plot which had been arranged for the overthrow of Arran ended in flat failure. Ruthven lost his head; his confederates escaped over the border to England. The events which follow, though not of great significance in themselves, supply a key to the attitude of the parties in the council towards Scotland at this time. Arran was once again supreme. Once again the council had two views about dealing with him. The aggressive element favoured the encouragement of further plots against him. Accordingly through Davison, the English agent in Scotland, a man deep in Walsingham's confidence, secret negotiations were opened with the commander of the castle of Edinburgh to induce him to deliver that stronghold into the hands of the English party.⁴⁵ The conservative element, on the other hand, had a notion that Arran might be won over to a policy friendly towards England. They accordingly proposed to open negotiations with Arran through Lord Hunsdon.⁴⁶ Walsingham did not hesitate to express his opinions very plainly to Davison as to this 'by course', as he called it. In the draft of a letter which he thought well to modify somewhat before sending, he contrives to throw a good deal of light on his attitude towards the conservative party.

You know [he wrote] Hunsdon's passion, whose propinquity in blood [to the queen] doth somewhat prevail here, especially being countenanced by Burghley, who doth use Hunsdon as a counterpoise against Leicester, though God wot he be but a weak one. Burghley hath always liked to entertain by courses which groweth from lack of resolution in him, which I pray God may not prove the destruction of England.⁴⁷

A month later Walsingham wrote to Davison another letter on the same subject, which discloses the religious differences lying at the root of the division in the council. He informed Davison that he was trying to get him recalled, fearing that Lord Hunsdon would work his disgrace if he remained. The reason which Walsingham assigned for the antagonism of Hunsdon and his party was Davison's zeal in the cause of the Scottish preachers who had fled into England after Ruthven's arrest.⁴⁸

⁴⁴ The policy they proposed to follow was no doubt that which Walsingham hinted at in the letter to Leicester just cited. 'I hear there is a by course in hand with Arran and the Colonel [Stuart], wherein Mr. Rawley is used for an instrument.'

⁴⁵ Cf. Walsingham to Davison, 12 July 1584 (State Papers, Scotland, xxxv, no. 54).

⁴⁶ Mauvissière, French ambassador in London, wrote to Mary Stuart 3 November 1583, 'I hear Arran has some cabal with my Lord Hunsdon for the marriage of the King your son with a daughter of my Lord Howard' (State Papers, Mary Stuart, xii, no. 92). This is evidently another aspect of the 'by course' of which Walsingham wrote to Leicester in September. Cf. Lang, *History of Scotland*, ii. 304.

⁴⁷ See above, p. 39, n. 19.

⁴⁸ Walsingham to Davison, 13 August 1580: 'It will be fit hereafter that such

The project to seize Edinburgh castle failed, and the 'by course' which was followed instead was soon abandoned. The next year the exiled leaders of the English party returned to Scotland, and without any bloodshed accomplished Arran's overthrow, and paved the way for an alliance between England and Scotland which was at least strong enough to keep the postern gate safe during the dangerous days when the Spanish Armada was in English waters. The attitude of Burghley's followers in 1584 is, however, worth noting. Hunsdon gave expression to it in a letter to Burghley of the 11th of September :

I am heartily sorry to see two principal councillors [evidently Leicester and Walsingham] have so small care of her Majesty's estate, for their private causes to lose her Majesty a king, . . . the one for malice that he was not so used as he looked for, which they say was long of himself, the other by ambition because he is not made the instrument in this action, or else there is a further matter worse than this.⁴⁹

The ambiguous phrase at the end of this sentence probably contains a vague hint of another matter indirectly associated with Scottish affairs, namely the question of the succession to the English throne. This was a subject so displeasing to the queen herself that very little public mention was made of it during her lifetime. Yet it was a matter of primary importance to England at large and to her privy council in particular. Of course Mary Stuart was the nearest in blood, but she was sickly, in prison, and too dangerous to protestantism in England to be thought of. If she died before Elizabeth, as seemed likely, her title would pass to her son. James was a protestant, but he was also, to sixteenth-century eyes, a foreigner. That constituted a serious objection. Therefore the claims of three others in England came up for some consideration. There was Arabella Stewart, James's niece, the next of the Scottish line if James were debarred. There was Edward Seymour, son of Catherine Grey, the representative of the Suffolk claims. There was also the earl of Huntingdon, who traced a claim through the house of Pole, from George, duke of Clarence, brother of Edward IV. There were others as well, but these were the only persons who were at all seriously considered at the time. Burghley himself was

instruments be employed in that realm [Scotland] as my Lord Hunsdon shall like of. Mr. Robert Cary is more apt for the place than yourself who are held for a man suspected, what outward show soever they make, in respect of the favour they know you bear to the poor distressed ministers, who do receive very small comfort here. This may proceed, as the Bishop of Saint Andrews says, from one he sent with letters to the Archbishop, and some of the clergy here, who have so prevailed with the Queen, as they are neither suffered to preach, nor no man may harbour them for fear of offence. Thus you see how kindly they are dealt with that have best deserved at our hands' (State Papers, Scotland, xxxvi, no. 15).

⁴⁹ *Ibid.* xxxvi, no. 72.

disposed to maintain the claims of the Suffolk line.⁵⁰ In view, however, of the fact that Elizabeth frowned upon the idea, he was not over-strong in its support. There are some indications that he was beginning to lean at this time towards the king of Scots, and Walsingham believed that his by-practice through Hunsdon with Arran was influenced by these considerations. Commenting on that matter to Davison, Walsingham wrote, 'I find that men begin to look to the sun rising and therefore it will behooove her Majesty to make much of faithful subjects.'⁵¹

Walsingham and his party pretty clearly opposed the claims of the king of Scots and supported those of the earl of Huntingdon, who was Leicester's brother-in-law and a staunch puritan.⁵² Mendoza declared that at the time of the Ruthven raid Leicester and his partisans had planned to put both James and his mother out of the way, in order to make Huntingdon's succession certain. The evidence on this point, however, is not quite so conclusive as Mr. Andrew Lang believed it to be.⁵³ The fact is that Leicester at this juncture was indulging in by-practices of his own, of which Walsingham and the rest of his followers were not cognizant.⁵⁴ Leicester seems to have been possessed by the same passion for connecting the Dudleys by marriage with the Crown that had been the undoing of his father. Late in 1582 Mendoza reported that he was 'on the look-out to marry his son to Arabella Stuart', whom 'the lawyers' thought had a better claim than Huntingdon to the succession. This scheme of course contemplated the exclusion of James and his mother. A little later Mendoza reported again that Leicester was planning to marry his step-daughter to James himself.⁵⁵ The whole matter is, however, uncertain and the evidence far from trustworthy. There can, however, be little doubt that the question of the succession was, even at this time, another one of the many issues which divided the two parties in the privy council.

Associated with the problem of Scotland on the one hand and with the problem of the succession on the other was the problem of Mary Stuart. Ever since 1568 Mary had been virtually

⁵⁰ Hume, *The Great Lord Burghley*, p. 140. Compare also the interesting statement on this subject in the *Cal. of State Papers, Domestic*, Eliz., addenda, 1580-1625, pp. 406-8, together with the observations of La Mothe-Fénelon, the French ambassador in London, in 1569 (*Correspondance de La Mothe-Fénelon*, ii. 123).

⁵¹ See above, p. 39, n. 19.

⁵² Hume, *ubi supra*; cf. *Cal. of State Papers, Span.*, Eliz., iii. 264, 400.

⁵³ *Ibid.* iii. 400. Cf. Lang, *op. cit.* ii. 286.

⁵⁴ Walsingham to Davison, 13 August 1584: 'I fear *Leicester* hath some dealings underhand there [in Scotland]. I have charged him withal, but he denieth it. And if he have, *Ashton* is the man who, God wot, is but a weak instrument' (*State Papers, Scotland*, xxxvi, no. 15). The names in italics are in cipher in the original.

⁵⁵ *Cal. of State Papers, Span.*, Eliz., iii. 451, 477.

a prisoner in England. Probably if Elizabeth had consented to send her to the block directly after the discovery of the Ridolfi plot, as parliament urged her to do,⁵⁶ Burghley and Walsingham would have been equally well satisfied.⁵⁷ But Elizabeth, for many reasons, hesitated to do so. In consequence, Mary was harboured in England for years under conditions which allowed her to encourage plot after plot designed by her catholic friends for her release and the destruction of her rival. Under these circumstances the possibility of her succeeding to the English throne became a matter of increasing concern to the English councillors. There could be no doubt that if she did succeed she would give short shrift to those who had worked against her. It is not surprising, therefore, to find that some of the more circumspect of the councillors began to reconsider their attitude towards her and to make some preparations against possible contingencies. Upon this point, again, there are signs of a division in the council, and Burghley and Walsingham are found once more on opposite sides.

There are some grounds for the belief that Burghley, towards the end of Mary's life at least, was labouring to create among her friends the idea that he was not altogether hostile to her. Mendoza declared late in 1582 that the lord treasurer was opposing her removal from the care of the earl of Shrewsbury to more rigorous confinement.⁵⁸ Mary herself was clearly counting upon his friendly disposition in 1586.⁵⁹ The Spanish ambassador at Paris early in 1587 was of the opinion that Burghley still 'preserved in his heart an attachment' to her cause,⁶⁰ and later asserted that he had publicly declared against her execution.⁶¹ The Venetian ambassador in Paris ascribed her death to the fact that he was temporarily out of favour.⁶² There is evidence also that one of Walsingham's agents cherished similar opinions.⁶³ In view of the conspicuous part which Burghley played both in the conduct of Mary's trial and in expediting her execution, it is difficult to believe that these views of his attitude towards her had any

⁵⁶ Cf. *The Bardon Papers* (Camden Soc. 1909), appendix i, p. 120.

⁵⁷ Burghley wrote to Walsingham on 21 May 1572 in reference to the proceedings in parliament against Mary: 'I doubt not but others do certify you of our Parliament proceedings wherein there can be found no more soundness than in the common house, but in the highest person [Elizabeth] such slowness in the offers of surety and such stay in resolution, as it seemeth God is not pleased that the surety shall succeed. To lament that secretly I cannot forbear' (Digges, *Compleat Ambassador*, p. 203).

⁵⁸ *Cal. of State Papers, Span.*, Eliz., iii. 432.

⁵⁹ Cf. Mary Stuart to the Archbishop of Glasgow, 16 July 1586 (Labanoff, vi. 381); Mary Stuart to Châteauneuf, 17 July 1586 (*ibid.* vi. 427); Burghley to Stafford, 2 October 1586 (Murdin, *State Papers*, p. 569).

⁶⁰ *Cal. of State Papers, Span.*, Eliz., iv. 7.

⁶² *Cal. of State Papers, Ven.*, Eliz., ii. 250.

⁶³ Morris, *Letter Book of Sir Amias Paulet*, p. 235.

⁶¹ *Ibid.* iv. 48.

foundation in fact. Nevertheless it seems likely that he had something to do with setting them afloat. The truth probably is that he was trying to play a safe game. He wished as far as possible to be friends at once with the Outs and Ins. Once before, after Edward the Sixth's death, he had had to maintain a nice balance between Lady Jane Grey and another catholic Mary. He had come out of that situation to the great damage of his consistency, but at least to the saving of his head and his broad lands. No wonder after that experience if he was cautious and wary and somewhat double-faced in his attitude towards the heir-presumptive.⁶⁴

While Burghley played in the shadows Walsingham took his stand with regard to Mary in the open noonday. At the very beginning of his public career he had spoken his views upon the matter in plain English, and he never departed from them. 'So long as that devilish woman lives', he wrote, 'neither her Majesty must make account to continue in quiet possession of her crown, nor her faithful servants assure themselves of safety of their lives.'⁶⁵ To his thinking the shortest and best way with Mary was to set her head on London Bridge, where it might nod a solemn warning to all intending traitors. It is hardly necessary to point out that he was Mary's evil genius from first to last. One by one he unravelled the plots which were designed to set her on the throne. It was owing to his devices that she was finally caught red-handed in the Babington conspiracy and brought to her trial. So obvious was his animosity against her that he has often been charged with fabricating the evidence upon which she was finally condemned. At all events he accomplished his purpose. The evidence which he was able to produce secured Mary's condemnation, although he was shrewd enough at the last minute to slip the responsibility of her execution upon Burghley's shoulders.⁶⁶

One very interesting witness to the antagonism between Burghley and Walsingham was Sir Edward Stafford, who became ambassador to France in 1583 and remained there six years. Stafford was a man of quick temper and independent spirit. One way and another he was connected with several of the prominent Roman catholic families in England. These relations had the effect of tempering very considerably his zeal for protestantism. His marriage to the famous Lady Sheffield,

⁶⁴ Cf. Hume, *op. cit.* p. 416, where the view is taken that Burghley would have saved Mary if he could, but it seems to me that Hume relies too much on the opinions of the Spanish ambassador.

⁶⁵ Cited in *Bardon Papers*, introduction, p. xxvi. During the period from 1573 until 1587 Leicester's views agreed with Walsingham's in this matter (*Cal. of State Papers, Span.*, Eliz., iii. 301, 680; *Cal. of State Papers, Ven.*, Eliz., ii. 250).

⁶⁶ Or at least contrived to be ill at a very opportune moment.

Leicester's cast-off wife, made him one of the bitterest of Leicester's enemies. Probably he owed his appointment in France chiefly to Burghley. The Spanish ambassador in Paris regarded him as Burghley's 'creature'.⁶⁷ These facts probably explain why Walsingham distrusted Stafford from the first. Stafford, on his part, made little or no effort to banish this distrust. On the contrary his course of action while in France went far to justify it. 'I am minded to use the devil himself well', he wrote, 'if he come to me in the likeness of a man to serve the Queen withal.'⁶⁸ He made good this statement. There can be little doubt that he went very far in his search for information. He made friends with catholic refugees in France on a basis which, if he had had a dishonest purpose, would have been little short of treasonable. He accepted bribes from the duke of Guise and from the king of Spain, and supplied them both with news out of England.⁶⁹ It is perhaps possible to give all these actions an interpretation

⁶⁷ *Cal. of State Papers, Span.*, Eliz., iv. 7.

⁶⁸ Stafford to Walsingham, 27 October 1583 (*State Papers, France*, x, no. 65).

⁶⁹ There is ample evidence in the *Cal. of State Papers, Span.*, Eliz., iv, that Stafford was receiving bribes from the Spanish king. Mendoza, in a letter to Philip II of 25 April 1587, spoke of a 'new friend', to whom he had paid 2,000 crowns and promised further recompense commensurate with his services (*ibid.* p. 74). That Stafford was this 'new friend' is clear from two letters which need to be set in conjunction. (1) A letter of Mendoza to Philip of 20 May 1587 (*ibid.* p. 86) in which Mendoza says plainly that Stafford has secretly acknowledged to Bellièvre Philip II's right to the English Crown, and (2) a letter of Philip II to Mendoza of 20 June 1587 (*ibid.* p. 107), in reply to the former, in which Philip writes, 'The remark made by the new friend to Bellièvre about my rights to the English crown had better have been left unsaid.' Much further evidence might be adduced from this calendar (cf. index, p. 777), but this seems to me conclusive. Again Mendoza wrote to Philip, on 11 May 1586 (*ibid.*, iii. 574): 'Charles Arundel, a pensioner of your Majesty, was constantly in the house of the English Ambassador here when he was in Paris, which Muzio [the duke of Guise] assures me was at his instructions as the English Ambassador was needy and he, Muzio, had given him 3,000 crowns. In return for this the Ambassador gave him certain information through Charles Arundel.' There is evidence against Stafford also from another source. In the summer of 1585 Walsingham sent Thomas Rogers, alias Nicholas Berden, the ablest of his spies, to France. Part of Rogers's business was to spy upon Stafford. His report on this subject is preserved in the Public Record Office (*State Papers, France*, xviii, fo. 370). It is too long to cite in full, but it corroborates Mendoza's testimony that Stafford was receiving money from the duke of Guise. Finally, there is a letter from the archbishop of Glasgow to Mary Stuart, dated January 1585, in which he writes that he had heard rumours, through a spy in Stafford's house, that proceedings were about to be taken against Mary Stuart in parliament. This frightened him so much that, by his own account, he asked M. de Marchaumont, 'who entirely dominates the said ambassador,' to sound Stafford and learned the news to be true. Thereupon he relates that he himself had had an interview with Stafford, who said he feared that Leicester would attempt something against Mary's life, and requested the archbishop to let the matter go no further. He added that Stafford professed himself to be a very affectionate servant of Mary's (*State Papers, Mary Stuart*, xv, fo. 1). This letter, if it proves no more, proves that Stafford was capable of doing things hardly compatible with the office he held. Taken in conjunction with the statements of Mendoza and of Rogers, it seems fair to conclude that Stafford was in communication with the duke of Guise, the king of Spain, and

consistent with his loyalty to Elizabeth. He might well have played the traitor in order to learn more completely the purpose of the queen's enemies. Indeed, he announced some such intention before he had been in office a month, and asked the queen to further the plan by seeming to suspect his honesty.⁷⁰ His mistake was that, in playing a dangerous game of this sort, he did not take the principal secretary completely into his confidence. Walsingham learned about his dealings with the catholic refugees and the duke of Guise from intercepted letters⁷¹ and from spies, and it is not surprising, therefore, if his distrust of Stafford rather increased than diminished.

Probably the most rational explanation of Stafford's conduct in France is to be found in his attitude towards Walsingham. He regarded Walsingham as a personal enemy, and resented any attempt on his part to direct his actions. Moreover, he was determined to prove that his own method of collecting political information was more productive of results than those which Walsingham employed.⁷² The things he did which gave most colour to the charge of treason against him seem to have proceeded rather from this motive than from any desire to betray the interests of England. On the other hand, Stafford posed from first to last as Burghley's follower. 'I have wholly disposed myself', he wrote to Burghley in 1583, 'to depend of your good counsel and help, and to do what you think best and to go as far and do as much and as little as you shall think good.'⁷³ In his correspondence with Burghley from France he did his best to drive the truth of this statement home, with the evident intent to make sure of Burghley's support in the face of Walsingham's opposition.

From the present point of view the interesting fact to discover is how far Burghley fell in with Stafford's plans. Unfortunately, Burghley's replies to Stafford's numerous letters are in large part missing, and those which survive are rather too cautiously worded to convey much positive information.

other enemies of England, and that he was supplying them with information and getting well paid for it. Professor A. F. Pollard, in a review of the *Calendar of State Papers, Span.*, Eliz., iv. (ante, xvi. 574), points out that the name 'Julio' and the name 'new confidant', often used in the Spanish correspondence, in many cases could not possibly stand for Stafford. It is equally clear that in some cases the latter name at any rate could not possibly mean any one else. Probably the term was used, with intentional ambiguity, to denote different persons at different times.

⁷⁰ State Papers, France, x, no. 67.

⁷¹ The letter of the archbishop of Glasgow to Mary Stuart cited above (n. 69) fell into Walsingham's hands. Stafford got wind of this from Burghley (Murdin, *State Papers*, p. 569), and wrote to Burghley a long defence of his conduct (State Papers, France, xvi, fo. 139).

⁷² The most complete statement of his attitude towards Walsingham is to be found in Stafford's letter to Burghley of 6 November 1586 (State Papers, France, l. c.).

⁷³ Stafford to Burghley, 12 June 1583 (Harl. MS. 6993, fo. 44).

It is clear, however, that Burghley listened complacently to Stafford's complaints against Walsingham, and responded to them in such a way as to aggravate his hostility.⁷⁴ This establishes a strong presumption that the lord treasurer was a party to the differences between the ambassador and the secretary, and that these differences reflected in some sort the larger issue in the privy council.

Of greater significance is the bearing of this whole matter upon the relations between England and France. Walsingham and Stafford held different views as to the proper policy for Elizabeth to pursue in France. This became plainly apparent in 1588, when Henry III, who had hitherto, in the war of the three Henries, formally identified himself with the ultra-catholics, began to show some inclination towards coming to terms with Henry of Navarre. The chief obstacle in the way of an agreement between the two kings was the question of religion. Navarre was unwilling to treat except upon the basis of toleration for the Huguenots. Henry III told Stafford privately that he dared not attempt a peace upon these terms.⁷⁵ According to Stafford, the proper course for Elizabeth to pursue was to offer herself as a mediator. He regarded the religious obstacle simply as a 'colour', and evidently was quite prepared to assist in framing a treaty which should ignore protestant interests altogether.⁷⁶ It is not surprising to discover that Navarre's Huguenot advisers were resolutely opposed to such a course, nor that Stafford's attitude, which they had long suspected, provoked their hostility towards him.⁷⁷ Walsingham's views, which were as usual prompted by his religious sympathies, ran counter to Stafford's. To Walsingham, religion, far from being a mere 'colour', was the fundamental matter at issue and the chief justification for English interference in French affairs. According to his reckoning a treaty such as Stafford proposed would have sacrificed the one point which, above all others, it was necessary for Elizabeth to maintain. He consequently did everything in his power to prevent the success of Stafford's policy.⁷⁸ There is little

⁷⁴ Cf. Burghley to Stafford, 2 October 1586 (Murdin, p. 569).

⁷⁵ Stafford to Elizabeth, 25 February 1587/8 (State Papers, France, xviii, fo. 47).

⁷⁶ Stafford to Burghley, 8 January 1587/8: 'As your Lordship writeth, it is a thing most certain that religion is but a colour and worldly pride and ambition the bottom of their hearts. . . . I can assure you the King [of France] desires nothing more, if the colour of religion were taken away, [than] to have means of advancing them [of Navarre's party] somewhat, to pull down the league thoroughly. It were well her Majesty should bear a hand in this, lest peace come without her means and she be left thankless' (State Papers, France, xviii, fo. 5).

⁷⁷ Cf. State Papers, France, xv, fo. 273. Stafford defends himself against their charges also in the letter to Burghley cited above, p. 52, n. 72.

⁷⁸ Walsingham even went so far, if Stafford's testimony on a matter of this sort can be relied upon, as to prevent the delivery of letters from him to Burghley: see Stafford to Burghley, 8 January 1587/8 (State Papers, France, xviii, fo. 11).

direct evidence as to how Burghley stood in the matter. It is easy to give too much weight to a charge, lodged against him some years previously, that he was a 'hinderer' of Navarre's cause.⁷⁹ But the statement gains credence from other testimony of Spanish origin, which reveals Burghley in the same light.⁸⁰ On the whole, it seems likely that Burghley and Walsingham differed in much the same way in their French policy as they did in their attitude towards the Dutch wars—Burghley being half-hearted in his support of the Huguenots and inclined to peace, Walsingham as usual opposing any compromise between 'Christ and Belial', and advocating active, militant co-operation with the champions of the 'Gospel'.

Down to the year 1585 Burghley and his followers had so far prevailed in the privy council as to keep England from open war. In that year the situation in the Low Countries reached a crisis. The assassination of the prince of Orange in 1584, coupled with the successes of the prince of Parma; threatened the complete overthrow of the Dutch rebels. After appealing in vain to the king of France they turned in despair to Elizabeth, and offered her the sovereignty of their lands if she would come to their assistance. The magnitude of their offers indicated pretty clearly the extent of their desperation. Parma was already thundering at the gates of Antwerp. If that city fell it appeared inevitable that he would win the whole country for Spain.

Of course Elizabeth was only interested in the situation so far as it affected England. But its bearing upon England was great. The reconquest of the Low Countries would bring Philip II to her very gates, and she had every reason to fear that this would be the last preliminary to a direct attack by Spain upon England. As Burghley himself put it, she had the choice of assisting the Dutch or preparing to resist the Spaniard on her own shores.⁸¹ Before such tremendous alternatives Elizabeth was disposed, as usual, to shrink. She called her councillors to give her their advice. To Leicester and Walsingham and their partisans the answer was plain. They had always urged her to embrace the cause of the Dutch openly, they urged her to do so now. How Burghley and his followers felt about the matter is not quite so easy to discover. Down to this time they had been strongly opposed to war. There can be little room for doubt about that. And the evidence on the whole goes to prove that while the

⁷⁹ This appears in a letter of Burghley to Herle, 17 July 1585, in which Burghley defends himself from various charges. 'I know', he writes, 'that Segur, the King of Navarre's ambassador, was informed by some Councillor, as he told my friend, that I was a hinderer of his negotiations, even when I did my best to further the same,' &c. (State Papers, Domestic, clxxx, no. 23).

⁸⁰ *Cal. of State Papers, Span., Eliz., iv.* 168.

⁸¹ *Cal. of Hatfield MSS., iii.* 69-70.

alternatives were still in debate they persisted in their opposition. Walsingham wrote to Davison in April 1585: 'I find those in whose judgment her Majesty reposeth greatest trust so coldly affected unto the cause as I have no great hope in the matter'.⁸² Even as late as September 1585 the Spanish ambassador in Paris asserted that Burghley was doing his best to avoid a rupture with Spain.⁸³

The personal antipathy between the leaders of the two parties at this juncture seems to have been more bitter than ever. Not only was Burghley on exceptionally bad terms with Leicester,⁸⁴ but he was almost hopelessly estranged from Walsingham. The antagonism between these two had in fact reached such a point in January 1585 that Walsingham seriously considered setting spies upon Burghley to gather information against him. They had, to be sure, patched up their differences, but their sentiments towards each other when the Dutch question presented itself were far from cordial.⁸⁵

There is little record of the debates which followed in the council. The outcome was a decided victory for the war party. Elizabeth agreed in August to send four or five thousand soldiers to support the Dutch upon condition that they would pay all expenses and hand over three of their coast towns as security. Early in September Leicester was chosen to lead the English forces. After a good deal of irritating delay he passed over into the Low Countries in December of the same year. When the queen finally decided upon a warlike policy Burghley appeared to acquiesce. The common opinion among historians is that he was at last won over to the belief that war was inevitable and that it had better be fought in the Low Countries than in England.⁸⁶

⁸² State Papers, Holland, i, fo. 200.

⁸³ *Cal. of State Papers, Span.*, Eliz., iii. 547.

⁸⁴ Cf. Strype's *Annals*, iii. ii. 386, 506.

⁸⁵ Cf. Walsingham to Burghley, 30 January 1584/5: 'I cannot deny but as your Lordship hath had heretofore some reports made unto you that might work some doubtful conceit of my good will towards you, so have there the like been made unto me that might have bred a like conceit. But when I saw some cause to suspect that the ground thereof grew of faction, that reigneth ordinarily in courts . . . I gave no way unto them. . . . But touching my late conceits had of your opposition in my suit for the farming of the custom . . . I saw so many reasons, confirmed so many ways, to lead me so to think as did not only induce me to believe that to be true, but did in a sort work in me a confirmation of the truth of former reports of your Lordship's mislike of me. And thereupon I did plainly resolve with myself that it was a more safe course for me to hold your Lordship rather as an enemy than as a friend. . . . Now whiles I was possessed with this discontentment I confess I sought up such information as heretofore, unsought for, have been given unto me, that might any way touch your Lordship, and meant . . . to have proceeded by conference with the parties to have drawn some further light from them therein' (State Papers, Domestic, clxxvi no. 19). In a second letter to Burghley of the same date (*ibid.* no. 20) Walsingham professes to be reconciled to Burghley.

⁸⁶ See A. F. Pollard, *The Political History of England* vi. 392, where this view

He certainly spared no effort to create that impression. When Leicester, upon leaving, expressed some fear of his opposition he solemnly swore to maintain his cause as though it were his own son's.⁸⁷ Yet his sincerity in taking the oath is hardly above question. Before the month was out he was secretly encouraging negotiations for a treaty with the prince of Parma, which ill accorded with his protestations.⁸⁸ Moreover, Leicester was no sooner out of England than Burghley set about strengthening his following in the privy council. On the 24th of February 1586 the French ambassador in London wrote to Mary Stuart:

The Earl of Leicester is in Flanders, where he is establishing himself, and it is said that the Queen of England is angry at his behaviour, fearing lest he make himself over great. Walsingham, his friend, supports him as much as he can, but Lord Burghley opposes him and has joined three Councillors to his party, the Archbishop of Canterbury, Lord Cobham, and Lord Buckhurst, which irritates Leicester and his followers not a little.⁸⁹

The truth appears to be that while Burghley protested his zeal for the cause in most positive terms, he worked constantly against Leicester underhand. There can be no doubt that he encouraged the secret negotiations with Parma, and there is some reason to believe that the lack of money of which Leicester was so constantly complaining was due to his contrivance.⁹⁰ Stafford, Burghley's partisan, urged him on from Paris.

is supported by reference to one of Burghley's papers in which he weighed the arguments on both sides, but did not definitely commit himself to either (*Cal. of Hatfield MSS.*, iii. 69-70). See also Froude, *op. cit.*, xii, p. 130 *seqq.* Froude supports his case by citing Burghley's correspondence with Herle, in which Burghley was clearly trying to make out a case for himself against the attacks of his opponents. No doubt Burghley was trying to pose in public as a friend of the Dutch, but whether he was really exerting his influence in their behalf is not quite so clear. Hume, *op. cit.*, pp. 396 *seqq.*, takes the opposite view.

⁸⁷ Cf. Leicester's *Correspondence* (ed. Bruce), pp. 21-5.

⁸⁸ Cf. A. de Loe to Burghley, 26 December 1585 (State Papers, Flanders, i).

⁸⁹ State Papers, Mary Stuart, xvii, no. 24. Compare also the following extract from a letter of Thomas Morgan to Mary Stuart, dated 21 March 1585/6: 'Leicester, before his departure out of England, laboured to make four new councillors to the state to help him in all causes. The councillors whom he desired to prefer were the Earls Huntingdon, Pembroke, and Kent, and the Lord Gray. But Burghley, who was weak of friends in the Privy Council, in Leicester's absence hath made that Queen to admit of her Privy Council the Archbishop of Canterbury, Lord Cobham, and the Lord of Buckhurst, being all three for their lives opposite to Leicester and his designments' (State Papers, Mary Stuart, xvii, no. 31).

⁹⁰ Cf. Hume, *op. cit.*, p. 402. Leicester apparently charged Burghley with this on one occasion, which evoked the following reply (of which I give a partial abstract) from Burghley: 'You think that by my means her Majesty doth blame you that there is no better account made of the charges. I never thought you should be blamed. I said that their accounts are obscure, confused, and without credit, and so themselves do partly confess. I said they ought to have been commanded by your Lordship's authority to have reformed the same, and made you more privy to their doings, for which not doing I condemned them. Yet, my Lord, I trust your Lordship and the

If I had as much credit as your Lordship hath [he wrote in November 1586], and he [Leicester] born to do me no more good than he is, I would keep him where he is and he should drink that which he has brewed. Her Majesty is not for his tarrying there bound to do more than she shall see fit, but I would keep him there to undo himself, and sure enough from coming home to undo others.⁹¹

Probably this was somewhere near Burghley's view of the situation, though he would have been the last to express it. He was an extremely crafty person, and played his part so well that even Walsingham could not be sure on which side of the fence to place him.⁹² Possibly he was not altogether sure himself. He became more and more saturated as he grew older with the characteristics of his royal mistress, and Elizabeth liked nothing better than to run with the hare and hunt with the hounds. At all events, although Leicester's failure in the Low Countries was chiefly due to his own incapacity, it should probably be ascribed in part to the underhand opposition of his old enemies in the privy council.

Perhaps the gravest of many faults which Leicester committed in the Low Countries was to cause a breach in his own party. He succeeded by his selfishness in alienating his strongest supporter in England, Secretary Walsingham. The difference between them arose in consequence of the death of Sir Philip Sidney, Leicester's nephew and Walsingham's son-in-law. Sidney died greatly in Walsingham's debt, and Leicester refused to allow any part of Sidney's lands to be sold to make repayment.⁹³ Space does not

rest did see how earnest I was to draw her Majesty from these reckonings of expense and accounts and to take regard to the cause which I said, and do say, may not be left now at random for respect of any charge,' &c. (Cotton MS. Galba, C. xi, fo. 229).

⁹¹ State Papers, France, xvi, fo. 139.

⁹² No doubt Walsingham had reference to Burghley when he wrote to Leicester, on 23 May 1586: 'Whereas I did by Mr. Barker let your Lordship to understand that I thought you were crossed underhand by some great personage. I do now quit him of it and am persuaded that he dealeth honestly in the cause' (Cotton MS. Galba, C. ix, fo. 246).

⁹³ The reasons for the breach between Walsingham and Leicester are summarized in a letter from William Gifford to Dr. Ely, dated 5 June, and probably of the year 1587: 'Walsingham and Leicester are deadly enemies for four causes; first, because Leicester preferred Fortesque before him in the Chancellorship of the Duchy [of Lancaster] which Sir Ralph Sadler had; second, because Walsingham has married his daughter, my Lady Sidney to [manuscript illegible; Lady Sidney's second husband was the earl of Essex, Leicester's step-son]; thirdly, for that Leicester refuseth to pay out of Sidney's land any one penny of jointure for the lady; fourthly, for that Sir Philip Sidney, dying indebted to the Flushingers seventeen thousand pounds, for which Walsingham was bound, Leicester refuseth to make payment of one penny out of his land' (British Museum, Lansdowne MS. 96, fo. 69). In regard to the various points made in this letter, Walsingham got the chancellorship in spite of Leicester's opposition. Leicester's antagonism to Essex originated no doubt in the fact that Essex was the son of Leicester's wife, Lettice Knollys, by her first husband, whom Leicester was accused, probably without justice, of poisoning. At all events, he clearly

permit to discuss the matter in detail. It led, not unnaturally, to closer relations between Walsingham and Burghley.⁹⁴ But by that time Walsingham and his followers had accomplished their purpose and had no further need of Leicester's support. His expedition to the Low Countries, failure though it was in itself, marked the final triumph of their foreign policy. It committed Elizabeth definitely to a war with Spain. As for Burghley's peace projects, they blew away with the breezes which wafted the Armada up the Channel.

The final issue of the struggle between the conservative and the aggressive protestants, the peace party and the war party in Elizabeth's privy council, did not result in a complete victory for either side. In the settlement of religion in England the conservatives, on the whole, won the day. In foreign affairs the war party ultimately prevailed and thus prepared the way for one of the most splendid decades in English history. Yet it was perhaps well for England that they prevailed no sooner than they did. Burghley's prudence made England strong for the crisis, and Walsingham's fine faith carried her safely through the crisis when it came.

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disliked the man and his offspring. Walsingham, in a letter to Leicester of 5 November 1586 (Cotton MS. Titus, B. vii, no. 65), estimates his losses by the death of Sidney at £6,000.

⁹⁴ One interesting evidence of this is a present of a 'very rare coach for ease, strength, and lightness, whereof I made this day a trial upon London stones', which Walsingham made to Burghley in September 1587 (Harl. MS. 6994, fo. 98). Walsingham in his letter of presentation offered to have the coach altered at Burghley's convenience, and sent the coachbuilder himself to show how to work the many 'artificial points' which the coach had in it. More convincing testimony upon this point will be found in the correspondence between Walsingham and Thomas Wilkes during the early months of the year 1587 (State Papers, Holland, xii, xiv), in letters from Lord Buckhurst to Walsingham (State Papers, Holland, xv, and Cotton MS. Galba, D. i), and in letters from Francis Needham, an agent of Walsingham's in the Low Countries (Harl. MS. 287, ff. 37, 41; State Papers, Holland, xvii, *passim*). It is striking to observe that Stafford and Walsingham patched up their differences at this time (State Papers, France, xvii, ff. 113, 149).

The Elections to the Exclusion Parliaments 1679-1681

I

THE first stage in the election of members of parliament in the seventeenth century was formed by the issue of writs,¹ directed to the sheriff, ordering the election of knights, citizens, and burgesses to represent the county, cities, and boroughs in the ensuing parliament. Candidates did all they could to obtain possession of the writs before they were delivered to the sheriff, for the possession of the writ gave them an advantage over other competitors by enabling them to retard or hasten the day of polling to suit their interests. Thus Sir Richard Temple, who had put up for Buckingham, had the writ brought to him at Uxbridge. 'He gave a crown to the bearer,' we are told,² 'and Mun gave him another, and five guineas more to Mr. Barneveldt at Aylesbury.' Five guineas was the usual fee in boroughs and ten guineas in a county.³ 'Sir Richard put the writ in his pocket till the moment should be propitious for delivering it.' He kept it altogether seventeen days ;⁴ the writ was then handed over to the mayor, who could proceed to the election of burgesses whenever he wished to do so. Apparently, however, this practice was not always unchallenged. The earl of Devonshire betrayed extreme annoyance at Temple's manœuvre, and threatened to 'bring him on his knees in the House for keeping the precept' so long.⁵ But Temple had retained it only seventeen days, while sometimes it was kept back for as many as five weeks. Upon receipt of the writ the sheriff delivered the precepts to all the mayors and bailiffs in the shire. There is reason for believing that the sheriff occasionally followed the example of the messenger of the great seal, and instead of delivering the precept direct to the proper authority entrusted it to people who had an interest in its possession. All this caused considerable delay in the

¹ Stubbs, *Constitutional History*, iii. 410.

² *Memoirs of the Verney Family*, 1899, iv. 325.

³ Porritt, *The Unreformed House of Commons*, i. 22.

⁴ *Memoirs*, iv. 322.

⁵ *Ibid.* p. 332.

return of the writs to chancery, and on one occasion at least a sheriff who had been asked to give the precept into private hands refused compliance on the ground that an order of the council required the expedition of all elections.⁶ Certain cities and boroughs, however, were free from the intervention of the sheriff,⁷ and received the writ direct from chancery. In the case of the Cinque Ports the governor of Dover Castle acted as returning officer; the writ was addressed to him for all the ports, and he delivered the precept to the mayors.⁸ It would seem that on some occasions the high sheriff did not receive the writ even for his own county, and that it was sent to the under-sheriff. The under-sheriff of Buckinghamshire⁹ more than once received the writ, and, instead of delivering it to the sheriff, held the election at Aylesbury in defiance of his wish.

The writ ordered the election to be held at the next county court, but it contained no directions as to where the court should be held. The sheriff was therefore free to act on his own discretion. If he had shown himself impartial in conducting the election perhaps little harm would have followed. But the frequent complaints with which we meet on every side during the elections under Charles II afford evidence of the evils which resulted from the indefiniteness of his instructions. He could appoint any town in the county as the place of election, and thus had an opportunity, of which he was not slow to avail himself, for indulging in questionable practices whenever he wished to further the cause of a particular candidate. It was usual upon receipt of the writ to issue a proclamation giving notice of the place appointed for the holding of the court; but this was not always done, and the electors were left in the dark as to the sheriff's intentions. An illustration is afforded by the election of knights of the shire for Surrey in 1679. The day of election was uncertain, 'there being little or no warning given to the county after the accustomed manner in like cases for reasons best known to the high sheriff.'¹⁰ However, 'some hints got abroad and so the electors went to Guilford,' and there the sheriff appeared. If the freeholders had not gone to Guildford the sheriff would have been able to carry any candidate he chose. Every possible pretext, in fact, for tricking the electors was resorted to, and often only too successfully. If the sheriff thought that the poll was going in favour of a candidate opposed to him, he would adjourn the poll to a place more advantageous for his own

⁶ *A Letter from a Friend in Abingdon*, 1679.

⁷ Stubbs, iii. 416.

⁸ *True Domestick Intelligence*, 17 October 1679.

⁹ *A True Account of what past at the Election of Knights of the Shire for the County of Buckinghamshire*, 1679.

¹⁰ *True Domestick Intelligence*, 29 August 1679.

nominee. The poll for Buckinghamshire was usually held at Aylesbury. 'I thought,' runs a letter of the time,¹¹

the poll would have continued here till the election had been ended, but some say, Mr. Wharton having many more voices than Mr. Hackett [Jeffrey's nominee] my Lord Chief Justice got the Sheriff to adjourn the poll to Newport, which is fifteen long miles from hence in the heart of Mr. Hackett's friends. Many are of opinion that this adjournment will lose my Lord Brackley two or three hundred voices that cannot go so far.

Another device consisted in choosing a place where all the food for men and provender for horses had already been bought up, and where every inn and lodging available had been engaged.

While the exclusion struggle was at its height these difficulties served only to inflame the ardour of the electors. An interesting description of such an election is contained in 'A Letter from a freeholder of Buckinghamshire to a Friend in London concerning the Election of Knights of the Shire of the said County', dated August 1679. Upon receipt of the writ the under-sheriff appointed Aylesbury for the election of knights on the 20th. A few days before this date the high sheriff adjourned the court to Buckingham and postponed the day of polling till the 21st. For some reason or other,¹² however, the freeholders did not receive notice of the change, and accordingly met at Aylesbury on the 20th. The candidates, Wharton and Hampden, upon their arrival, learnt of the adjournment. They debated with the duke of Buckingham as to what should be done, and decided eventually to go to Buckingham, but neither to sleep nor spend one single penny there, so as to show their resentment at the sheriff's action. The freeholders were thereupon drawn out into the field and informed of the decision. At two o'clock in the afternoon, amidst downpours of rain, they set off, some on horseback and the rest in wagons. They reached Winslow, within five miles of Buckingham, and there spent the night, 'very well satisfied with the mean accommodation we met with, every man cheerfully bearing his own charge'. In their enthusiasm they declared that they would go not only to Buckingham, but even to York, 'rather than lose our former members that served us so faithfully in the last Parliament'. At break of day they marched to Buckingham, 'and there we proceeded to the election'. The eyewitness of these events concludes by exhorting the rest of the county to go and do likewise.

I hope the nobility, gentry, and freeholders throughout the country will be ready on all occasions to give the like encouragement, and then I doubt

¹¹ *Verney Memoirs*, iv. 336.

¹² The writer of the letter says that the bailiffs refused to give notice, alleging that the change was illegal, after proclamation had been made according to law. This is denied by *A True Account of what past at the Buckinghamshire Election*.

not but all the freeholders in England will be united as one man against Popery and Arbitrary government and follow the example of these brave English spirits of Buckinghamshire.

Frequently, however, the adjournment was occasioned by a more creditable motive than the desire to steal a march upon the electors. Every constituency, however large, contained but one polling station. The freeholders were required, therefore, in most cases, to journey a considerable distance from their homes, and this, in an age of bad roads, involved a serious strain upon their time and energy. Hence it was only in moments of great crisis that they could be induced to poll in large numbers. 'The character you give of your friend', remarks a contemporary writer,¹³ 'is not so taking with me as to fetch me ten miles to vote for him.' To overcome this unwillingness the poll was often adjourned from place to place, and in the elections of 1679 the poll in Yorkshire was adjourned to as many as eight different places, 'for the better conveniency of the electors.'¹⁴

It was not only the place, but also the time of the election, that afforded opportunity to the sheriff for exerting influence. The writ ordered the election to be held 'at the next county court'. When the county court 'fell out to be in assise tyme' the custom was no doubt that described by Sir John Bramston.¹⁵

Wee obtained leave of the Lord Cheife Justice Bridgeman, then Judge of Assise, to read the writ and beginn the poll, and wee did (he lyinge in bed two or three hours in the morninge the longer), and wee adjourned the Court and poll for a fortnight.

'The candidate's ignorance as to when the election would take place was often fatal to him. It was in this way that George Evelyn, the brother of the diarist, lost the election for Surrey. He and Onslow stood as knights of the shire for Surrey against Sir Adam Browne and Sir Edward Evelyn. The election took place at an obscure village named Leatherfield. Evelyn's party were unable to obtain accommodation there; in the afternoon a storm broke out and they left the place to seek lodging and shelter elsewhere, expecting the election to be held the next morning. No sooner were they out of sight than the sheriff proceeded to hold the election, and in the absence of their opponents Browne and Sir Edward Evelyn scored an easy victory, though the candidates who were returned would have had no chance in a fair fight.

When the place and time of polling were settled the electors could go to the poll. But the procedure by which members were

¹³ *The Moderate Parliament considered in this time of Danger*, August 1679.

¹⁴ *Domestick Intelligence*, 26 September 1679.

¹⁵ *Autobiography*, 1845, p. 119.

¹⁶ *John Evelyn's Diary*, ed. by A. Dobson, 1906, iii. 158.

returned exhibited all the defects which marked the earlier stages of the election, and gave ample scope for malpractices on the part of the returning officer. The number of disputed elections which arose from this cause is evidence of the evils occasioned by the want of uniformity in the methods by which elections were conducted. To meet these evils it was sometimes the practice for candidates to arrange the procedure beforehand. This was done at Southwark, where the sheriff invited the competitors to decide among themselves what regulations should be adopted, and they determined all the preliminary details as to the qualifications of voters and the manner in which the election should be carried on.¹⁷ Another illustration is furnished by the election at Newark, which was described by Sir Thomas Browne in a letter to his son. The candidates agreed upon rules 'for their regular and quiet proceedings', which had the happy result of preventing all 'rude and unhandsome carriage', and so 'all was civilly carried'.¹⁸

But even where the returning officer retained control of the proceedings, though one election differed from another in matters of detail, certain features were common to all. Indeed, in ordinary cases the procedure was very simple. The sheriff, or the under-sheriff for him,¹⁹ began by reading the writ; in boroughs this was done by the bailiffs. The sheriff then demanded of those present whom they wished to choose. If there were no opposition to the persons whose names were mentioned they were declared elected, and the election was over.²⁰ But the procedure was very often more complex, and there was great variety of practice. In the first place there was no system of nomination of candidates prior to the holding of the election. The names of the candidates were declared by the electors at the moment, when the poll was about to take place; sometimes, indeed, they were changed after the polling had already begun.²¹ Moreover, at the election for Essex in 1679²² the electors appear not to have known who the candidate was up to the very moment of polling. The freeholders who were in Colonel Mildmay's interest decided to give one vote for the colonel and to reserve the other for whomsoever Mildmay should nominate. Mildmay accordingly named a second candidate, and the two together were chosen. Again, candidates were not always present at the polling booth. At the election for Bramber, in the same year, the successful candidate, Henry Sidney, was not only not present, being absent

¹⁷ *How and Rich; an Impartial Account of the Proceedings at Southwark*, 1681.

¹⁸ *Works*, ed. by S. Wilkins, 1836, i. 240.

¹⁹ *Letter from a Freeholder of Buckinghamshire*.

²⁰ Cf. the election for Surrey: *Domestick Intelligence*, 29 August 1679.

²¹ Bramston, *Autobiography*, p. 120.

²² *Essex's Excellency; or the Gallantry of the Freeholders of that County*, 1679.

from England, but he was not even known to any of the electors, and his place was taken by his steward.²³

Immediately upon the nomination of candidates followed the choice. When the choice was contested, the issue was determined either by a view or by a poll. In the former case all the freeholders were drawn up in a field outside the town,²⁴ and the sheriff took a 'view' of all who were present and gave his decision as to which side had the majority. But of course he could not discriminate between those who had a right to vote and the candidate's servants and followers, who attended only to give their side an imposing appearance.²⁵ It was, therefore, always open to any candidate to demand a poll. Sometimes, however, such a demand was made when no uncertainty existed as to where the majority lay, the object being to prolong the election so as to tire out the country people who could not easily bear the charges of a protracted absence from their homes, and to keep them from the harvest work. At the Essex election already mentioned, when the freeholders were told that they would lose their corn on the ground if they stayed longer, they replied 'they would rather trust God with their corn than trust the Devil to chose their Parliament men'.²⁶ There was always also the possibility that during the election some pretext for a disturbance or riot might arise which would enable a defeated candidate to invalidate the election.²⁷

While the view was a short business the poll frequently lasted for several days, and at Westminster²⁸ even for ten. The number of hours during which the poll was kept open varied. Sometimes it commenced at eight o'clock in the morning;²⁹ and at Norwich in 1679 it lasted till after midnight.³⁰ It was conducted by means of questions put to all who appeared for the purpose of recording their votes—for example, whether they possessed a forty-shilling freehold (in the case of the shire voters), whether they had already voted, and the like. They were asked openly 'For whom are you?' The questions were answered on oath, so that quakers were excluded from exercising the franchise. When, however, it suited the sheriff's purpose to bring them in, he did so by polling without oath, 'under pretence of despatch.'³¹ The replies to the questions were entered in the poll-book by clerks appointed by the sheriff. Their number varied, and the candidates occasionally appointed supervisors to watch them. Sometimes, however, the returning officer

²³ *Diary of H. Sidney*, ed. by R. W. Blencowe, 1843, i. 116.

²⁴ Bramston, p. 176.

²⁵ *Verney Memoirs*, iv. 326.

²⁶ *Essex's Excellency*.

²⁷ *Ibid.*

²⁸ *Domestick Intelligence*, 12 and 23 September 1679.

²⁹ *A Letter from a Freeholder of Buckinghamshire*.

³⁰ *Domestick Intelligence*, 9 September 1679.

³¹ Bramston, p. 392.

refused to allow the particulars to be recorded. This was the case at New Windsor, where the mayor had illegally included in the poll a great number of unqualified persons.³² When no more electors appeared and the poll 'became dry', it was declared at an end, and after the sheriff had thrice made proclamation that any freeholder who had not given his vote should do so,³³ the book was closed. It was possible, however, for the sheriff to declare the election finished and seal the indentures before all the freeholders had polled; and in this way he could secure the victory for his own side.³⁴ After the poll was closed the votes were counted by the returning officer, and the names of the successful candidates entered upon the indenture, which was then sealed. But this was not always done. Thus at Colchester the mayor refused to publish the election of those who headed the poll, having 'manifested himself in the whole proceedings inclinable to Sir William Clarges by encouraging those that were for him and frequently treating his opponents with reproachful language';³⁵ and at Abingdon the mayor even returned the defeated candidate, 'whereupon the women and children hissed the Mayor home to his house crying A Cheat, A Cheat.'³⁶ When the indentures had been sealed the members were carried on chairs about the market-place with trumpets and torches, candles were lighted at the windows,³⁷ and in this fashion the election came to an end.

An account of the manner in which an election for the city of London was conducted is of special interest. On 1 February 1681 a court of hustings was held at the Guildhall and the writ was read for the election of four citizens to serve in the Oxford parliament. A common-hall was appointed to be held three days later, and was then attended by the members of the livery companies in their gowns. The aldermen and sheriffs entered and took their place on the hustings. After silence had been proclaimed, one of the secondaries read the writ and addressed the electors:

Our late meetings here upon occasions of this nature are so fresh in our memories that I need spend no time in reminding you of the method of your proceedings there. However, the duty of my place obliges me to acquaint you that the king hath been pleased by this writ to command the Sheriffs of London to return four of the more discreet and sufficient among you to meet him at Oxford on March 21st.³⁸

³² *The Case of the Burrough of New Windsor*, 1680.

³³ Bramston, p. 177.

³⁴ *Ibid.* p. 120.

³⁵ *The Manner of the Election of Sir H. Grimston and Captain Reynolds to serve in Parliament for Burgesses of Colchester*, 15 February 1680.

³⁶ *A Letter from a Friend in Abingdon*, 1679.

³⁷ Browne, p. 240.

³⁸ For an account of London elections see *A True Narrative of the Proceedings at Guildhall*, February 1680-1. Compare also the *True Domestick Intelligence* for 10 October 1679.

He then proceeded to remind them that their religion, lives, liberties, and fortunes were committed to their representatives, and to urge the importance of choosing the right men.

To recount to you the integrity and assiduity of those worthy gentlemen who have served you in the two last Parliaments is as needless (since you know it so well) as it would exceed the bounds of my duty either to recommend them to your choice again, or to point or to hint unto you any other able citizen. I shall therefore be silent in both and leave you to your free, indifferent, and uncontrollable choice, and desire you will please to proceed with your nomination.

After he had finished speaking one of the sheriffs announced that he had asked the lord mayor whether he was willing to stand as a candidate, but that the lord mayor had declined, requesting that the former members might be returned. The court now proceeded to their election. There was a disposition to allow no nominations besides those of the late members. However, to give the election an appearance of greater freedom, several aldermen were nominated, but the choice was unanimously in favour of the old members. An address was then presented to them, in which they were thanked for their endeavours 'to discover the horrid Popish Plot, to preserve his Majesty's royal person, the Protestant religion and the well-established government of this realm, to secure the meeting of frequent Parliaments, to assert our undoubted right of petitioning', and above all for the 'progress made towards the exclusion of all Popish successors and particularly of James, Duke of York'. 'We are', it concludes, 'confidently assured that you will not consent to the granting of any money supply until you have effectually secured us against Popery and Arbitrary Power, resolving in pursuance of the same ends to stand by you with our lives and fortunes.' A reply to the address made by one of the members received a general applause, and the court was dismissed.

The elections to the exclusion parliaments were frequently the scene of great disorder and violence, with the object of intimidating the rival party or of furnishing a pretext for voiding the election.³⁹ At Stockbridge, in 1679, the chief inhabitants met and entered into the following protestation: 'We whose names are subscribed do protest against disorders, especially riotous assemblies and excessive drinking,' and accordingly 'engage ourselves to meet, consult, and endeavour the prevention of all such disorders, and will in our consultations strive to promote the public reputation and interest . . . resolving stiffly to oppose briberies, and cunning bringing in of strangers to vote within

³⁹ *A True Account of the Election at Cambridge, 1680.*

our borders, whereby contests may arise amongst us'.⁴⁰ The parliamentary elections of a time when party spirit ran so high naturally excited intense bitterness. The writings of the time afford ample evidence of the extreme sentiments aroused by the struggle. For instance, at Buckingham, where Sir Richard Temple was returned, he was charged with standing 'like Judas in the forefront of the Infernal Regiment of Pensioners' and with selling 'his Country to the Court, Liberty to Prerogative'.⁴¹ In *A Mild Letter to the Men of Buckingham* we read :

Give us leave to correct you gently and represent plainly to you your abominable treachery to our common interest in your late shameful election. . . . We have drawn up this indictment against your election that you the mercenary and debauched bailiff with the corrupt majority of your brethren the burgesses of the borough, not having the fear of God before your eyes, forgetting the duty and allegiance which you owe to your native country, have wickedly betrayed your trust. . . . We protest against your election ; we proclaim you infamous in all after-ages. We will neither eat nor drink, buy nor sell, deal nor trade with you in your fairs or markets. We do speak what the whole nation thinks, and 'tis short but sweet. You are a pack of villains for whom the gallows hath long groaned.⁴²

A ballad of the time ran :

A wondrous tale I will relate
The like was never told you
Of Englishmen that England hate
The town of Bucks hath sold you. . . .
Thus Buckingham hath led the way
To Popery and Sorrow.
Those seven knaves who made us Slaves
Would sell their God to-morrow.⁴³

The extent to which the exclusion parliaments were influenced in their proceedings by the electorate is of peculiar importance, for their work cannot otherwise be properly understood. At a great crisis the house of commons has always shown itself more susceptible to popular opinion than at other times. Hence the closeness of the relations between members of parliament and their constituents depended upon the extent to which they were constrained by the exigencies of their situation to lean upon popular support. At the crisis of 1640 the Long Parliament, involved in a struggle with the executive, sought to win public

⁴⁰ *True Domestick Intelligence*, 2 September 1679.

⁴¹ *A Mild but Expostulatory Letter to the Men of Buckingham*.

⁴² *Ibid.*

⁴³ *The Sale of Esau's Birthright*. The seven knaves refer to the seven votes cast for Temple as against the six given to his opponents. The composition of the electorate was as follows : 2 drapers, 1 apothecary, 1 ironmonger, 1 laceman, 1 tanner (who was also bailiff), 2 maulsters, 1 farmer, 1 baker, and one ' Knight of the Post and Shaver ' (barber), 1 gentleman ; the thirteenth elector is unknown.

sentiment to its side by drawing up the Grand Remonstrance, which in its aim and purpose was really an address to the electorate for its support. In like manner a renewal of the contest between the legislature and the executive, in the years of the exclusion struggle, brought the members and their constituents nearer together. Burke's famous saying, that a member elected for Bristol was not member for Bristol but a member of parliament for the whole country,⁴⁴ would not have been approved by men who were complaining that burgesses were 'not so much the representatives of a corporation as of the whole kingdom'.⁴⁵ The instructions given by the electors to their members not only show a desire to treat the latter as delegates sent to carry out the wishes of their constituents, and not as free agents, but also to control and determine the actions of parliament. On the whig side they demanded the exclusion of James, duke of York, and of all other 'Popish Pretenders' from the throne,⁴⁶ as well as the prosecution of the discovery of 'that horrid Popish Plot';⁴⁷ they insisted that parliament should make 'some honourable provision for the discoverers thereof', and also destroy and root out popery.⁴⁸ Some instructions dealt with other matters, as when the dissenters put in a plea for the repeal of the Elizabethan act against conventicles,⁴⁹ the corporation act, and other statutes of like character.⁵⁰ Other instructions asked that all standing armies should be disbanded as contrary to law,⁵¹ that the people's right to petition for the redress of grievances should be asserted.⁵² No supplies should be granted until the country was effectually secured against popery and arbitrary power.⁵³

These instructions are evidence that the exclusion parliaments expressed the sentiments of at any rate a great body of the nation. A large share of the responsibility for their violent proceedings must therefore attach to the electors. Of special interest among these instructions are the demands relating to parliament. The right of annual parliaments is sought, which 'will unquestionably prove the highest security of all that is good and desirable to us and our posterity after us'.⁵⁴ The address to the members for Chester said: 'We likewise desire that your votes may continue to be printed [that] we may thence read the current of your consent and union.'⁵⁵

⁴⁴ Porritt, i. 263.

⁴⁵ *Considerations offered to all the Corporations of England*, 1681.

⁴⁶ *The Manner of the Election of Sir H. Grimston*.

⁴⁷ *The Speech of H. Booth, Esq., Spoken in Chester*, 2 March 1680.

⁴⁸ Smith's *Protestant Intelligence*, no. 6, 18 February 1680-1. 'Address to Lord William Russell.'

⁴⁹ 35 Eliz., Prothero, *Statutes*, 89.

⁵⁰ *An Address of the Freeholders of Middlesex*, March 1680-1.

⁵¹ *Ibid.*

⁵² *Ibid.*

⁵³ *Ibid.*; compare also *A Narrative of the Proceedings at Guildhall*.

⁵⁴ *An Address of the Freeholders of Middlesex*. ⁵⁵ *The Speech of H. Booth, Esq.*

The instructions proceeding from tory constituents were of a widely different character. They opposed all concession to the dissenters as well as the repeal of any of the persecuting acts, whereby the church is secured from 'ruin and desolation' at the hands of the fanatical parties.⁵⁶ The prerogative of the king was to remain untouched. The Crown was to be established upon Charles and his lawful successors, and the king was to be supplied with money. They all agreed in urging the punishment of those who 'traduce the king and endeavour to lessen him in the hearts of his people'.⁵⁷ 'We do most earnestly desire you', runs the address to the members for Cambridge, 'to preserve the government of Church and State as now by law established, and in order to that to suppress all seditious and scandalous practices, whereby many disaffected persons have most insolently libelled and defamed it.'⁵⁸

Among the instructions given by constituents to their members one significant demand had a place, 'to purge out the corruptions which abound in the election of members to serve in Parliament.'⁵⁹ The necessity for the reform of elections had been recognized by the Long Parliament of Charles II; indeed, according to one estimate⁶⁰ the commons devoted nearly half their time to resolving questions affecting the membership of the house. But it failed to do more than pass pious resolutions. The rapid succession with which the elections of the last three parliaments of Charles II's reign followed each other, and the keenness of party strife, brought the evils and defects of the old electoral system prominently before men's eyes. Apart from the fact that the distribution of seats had been rendered anomalous by the changes of four centuries, the electoral system displayed in every feature its utter ineffectiveness as an adequate instrument for enabling the electorate to give expression to its wishes. The complexity of the borough franchises rendered them a fruitful field for litigation and fraud. The wide field of discretion which the deficiencies of the electoral laws left to the returning officer gave him a power which was in the highest degree dangerous.⁶¹ In fact the whole electoral system might almost seem to have been designed for the purpose of placing obstacles in the way

⁵⁶ *The Bristol Address*, 1680, in the *Protestant Mercury*, no. 24. This address was declared a forgery, but its authenticity was reasserted in *Bristol's Second Address*.

⁵⁷ *The Southwark Address*, 1680; similarly, *Strange News from Norwich*, 1680.

⁵⁸ *A True Account of the Election at Cambridge*.

⁵⁹ *The Address of the City of York*. These words are also in Smith's *Protestant Intelligence*, no. 11, 7 March 1680-1.

⁶⁰ *The Case of Denzil Onslow*.

⁶¹ *The Freeholder's Choice, or a Letter of Advice concerning Elections*, urged the reform of elections, in particular of the abuses by sheriffs, mayors, and bailiffs, in making double and false returns and other illegal practices.

of the free choice of the electors. The increased importance of parliament in the constitution therefore made men more critical of the machinery by which it was elected.

An examination of some of the proposals will serve at once to illustrate the character of the evils attacked and the nature of the remedies proposed. In *A Safe and Easy Way to obtain free and peaceable Elections* the writer offers five suggestions.

(1) That no one, under pain of disqualification, should impose himself upon the freeholders through personal influence, or that of friends, or by court letters. 'This would disappoint the undue impositions of landlords and great men.'

(2) Freeholders must prove their qualification by the possession of a freehold estate of 40s. per annum; in boroughs the vote was to be given to freemen paying scot and lot. 'This would remove the chargeable and troublesome contests in committees of elections.'

(3) Voting was to be by secret ballot.

(4) The court was to be adjourned from place to place in the county.

(5) The judges of the poll were to be one or two of the most substantial freeholders in each hundred, chosen by the freeholders of that hundred and sworn to be faithful to their trust. They were to examine the ballot papers and declare the result to the sheriff. 'This would prevent the sheriff's miscarriage in delays, false and double returns.'

A more radical reform was sketched by the earl of Shaftesbury.⁶² He proposed that the householders of each parish should make choice of an elector from a list of eight or ten parishioners drawn up by the churchwardens, and that the sheriff should prepare a list of all persons possessing £10,000 and not under forty years of age. From this list the electors were to choose a certain number of members. The electors were to swear that their votes were in no way pre-engaged; and the members that they had not expended any money or gratuity on the election, and that they would not receive bribes for their votes in parliament. There was to be a secret ballot, and all expenses were to be borne, not by the members, but by the county. If two men obtained an equal number of votes the result was to be determined by lot. If a member died or was removed, his successor was to be the candidate who stood next on the poll. There would be no new election, and therefore no means of determining the opinion of the country through by-elections. The results are represented as follows: There would be perfect representation of the whole people; this would remove the inequality of representation

⁶² 'Some Observations concerning the regulating of Elections for Parliament found among the Earl of Shaftesbury's Papers' (*Somers Tracts*, 1).

and the evils which arose from the variety of titles by which the franchise was claimed. Again, the members would be men of gravity, integrity, and substance, and therefore not so open to bribery; hence there would be no more 'pensionary' members of parliament. There would be no unfair elections, no 'foul returns', no petitioners kept in attendance till a dissolution, no room for corruption in electors or members, no patrimonies wasted in election expenses, no bankrupts protecting themselves under the shelter of parliamentary privilege, no disorders in elections, and finally no animosities among the gentry caused by their violent competitions.

The reforms urged by Shaftesbury were too drastic in scope and character to win acceptance. Another writer, whose name is unknown, contented himself with advocating the revival of a residential qualification for members, which dated from the first year of Henry V's reign,⁶³ but had fallen into desuetude,⁶⁴ so that boroughs at least were largely, if not almost entirely, represented by persons from outside. His *Considerations offered to all the Corporations of England*⁶⁵ throw an interesting light upon the economic and constitutional problems of the time. It is the more remarkable in that, although written at a time when every writer appeared as a political partisan on behalf of one faction or another, the author seems entirely unconcerned at the storm which was raging around him. In some respects the pamphlet recalls the Discourse of the Common Weal. It is marked by the same vigorous and capable style, by a similar keen perception of the evils from which the commonweal is suffering, and by a strong sense of the nature of the remedies which should be applied. But while the Discourse is concerned with the land, and is in the main a plea for agriculture, the Considerations are concerned with commerce; they are not only a token of the growing importance of trade in England, but a first sign of that antagonism between the landed and commercial classes which is a feature of the succeeding century. The writer begins by deploring the decay of trade: 'Experience doth generally assure every trader that there is a great and general decay of trade.' The masters cannot pay their wages; thousands of men have no employment; and there is a general disinclination to bring children up to a trade in which the prospects of getting a livelihood are so small. The ultimate source of this decay of trade is

⁶³ 1 Hen. V.

⁶⁴ It is true that on one occasion an attempt was made to unseat a candidate on the ground that his election contravened the terms of the act, but the objection was disallowed, and in a court of law it was expressly affirmed that 'the common practice of the kingdom hath been ever since to the contrary'. See 'The Case of Denzil Onslow, Esq., tried at the Assizes in Surrey, July 20th, 1681, touching his election at Haslemere in Surrey'.

⁶⁵ The date is 1681.

traced to the fact that commerce no longer enjoys the advantages and encouragement it once had, and for this again the corporations are responsible in electing men who have little acquaintance with matters affecting commerce.

Hence it is argued that towns should confine their election of representatives to 'men who live and subsist by trade, and whose interests are bound up with it'. It is their duty, because the act of Henry V states that boroughs should choose only residents. Nor is it less to their interest, for

how can a barrister be a fit member for Worcester, or a London knight for Plymouth, or be supposed to understand perfectly the particular interest of these towns in which perhaps they never set foot but at elections? What reason have tradesmen to hope that strangers, not concerned in trade, should be more concerned for their good, than men of their own body, obliged by the same interest?

The history of the Pensioner Parliament is one long record of acts by which the landowners have made use of their position in parliament to serve their own interests. 'They eased themselves of the burthen of feudal incidents, and imposed instead an excise whereby the burden was laid upon the traders.' They allowed the export of raw material and so inflicted considerable harm upon the manufacturers. They prohibited the importation of Irish cattle—a measure favourable to a few west-country landowners, but detrimental alike to artificers, for whose work there was now a less demand among the Irish people, and to the consumer, whose cost of living had been increased without any compensating advantages. The Fish Days, which the far-sighted statesmanship of Burleigh had instituted to foster the growth of a mercantile marine and a race of hardy fishermen, were neglected, in order that the landowners should not suffer from a diminished consumption of beef. But for all these evils the remedy lay in the hands of the commercial classes themselves. The towns are urged to choose representatives from among themselves, instead of from among landowners, and 'if there is no tradesman able to pay the expense, payment of members is far less an evil than that of having an house made up of gentlemen and lawyers'. The appeal to the corporations, however, was ineffectual, and the landowners continued to maintain their hold on the boroughs throughout the eighteenth century.

II

The history of an election which traced only the details of its machinery as created by statute law and developed by the exigencies of local requirements would convey an imperfect notion of its real character. The historian who confined his attention to this alone would obtain a very inadequate impression

of the elections which determined the character of the exclusion parliaments. Its interest centres rather in the motives by which the electors were actuated in their choice of representatives. It is the insight into the mind of the voters as shown in pamphlets and memoirs, in diaries and letters, that gives life and colour to the picture. In these elections the situation was determined by the religious dissensions of the time, and it was by their attitude towards religious questions that the fitness of candidates for a seat in parliament was measured. This is shown by the fact that during the elections of 1678, before the minds of the electorate had been poisoned by religious frenzy, there was an absence of violence which is a remarkable contrast to the character of the elections which followed. 'I do not find', wrote Harbord to Henry Sidney,¹ 'any great fall in the new elections but even that not only men in places but long-parliament men, and even my Lord Danby's Pensioners, came in promiscuously so that I trust in God the same calmness in the House will answer that of the Kingdom.'² Shaftesbury and the marquess of Winchester were said to have cautioned their friends against choosing fanatics, much to the surprise and delight of Charles, who remarked that 'he had not heard so much good of them a great while'.³ The leaders did not favour zeal. Sir Thomas Player, who sat for London, made a speech to the people reflecting on the duke of York; 'but I understand', wrote a contemporary, 'it was a game the wiser heads disliked, and that he hath promised to make no more speeches again in haste.'⁴ Yet the election followed close upon the disclosures of Titus Oates and the death of Godfrey.

Scarcely were the elections at an end when the people were dismayed by the news of the acquittal of Sir George Wakeman, the queen's physician, on a charge of attempting to poison the king. But the triumph of the court was short-lived. The whole country was at once in an uproar. 'The people', says Luttrell,⁵ 'murmured very much at his acquittal.' They compared the trial of Wakeman with that of Coleman, and not unnaturally reflected on the changed behaviour of the chief justice.

'Tis said there was no fair dealing in that affair; for the lord chief justice Scrogs was at Windsor about it. Then there was a good jury impanelled, but they were never summoned, so that there were talesmen

¹ *Diary* (1843), i. 58.

² Burnet, indeed, says (*Own Times*, ed. 1823, ii. 193), 'The Elections were carried with great heat and went almost everywhere against the court.' Perhaps he confused this election with the two subsequent ones.

³ *Letters of Lady Russell*, ed. 1853, i. 47.

⁴ *A Letter from J. B. to his friend, Mr. Jenks*, September 1679.

⁵ *Historical Relation*, ed. 1857, i. 17.

there ready who did the work, amongst whom 'tis said a considerable summ of money was distributed. Some scruple nott to say his lordship had store of gold for this good piece of service.⁶

Men hardly knew what to think. 'I much fear', said Humphrey Prideaux, 'that this businesse will at last appear very foul, and render us odious and contemptible through all Europe.'⁷ 'Lord', wrote Ralph Josselin, the vicar of Earls Colne, in his diary,⁸ 'I understand not the secret strings of this business.' The issue of the trial was taken by the country as proof that the court was implicated in the Popish Plot, and desired to overthrow the liberties of the kingdom. The scarcely-veiled contempt which the king displayed towards the plot seemed to confirm this conclusion. He told Reresby that 'he took it to be some artifice and that he did not believe one word of the whole story'.⁹ 'The king was quite unreserved and very open as to the witnesses who were making out the Popish Plot, and proved to a demonstration that many articles they had given in evidence were not only improbable but quite impossible.'¹⁰ But the result of Wakeman's trial was in fact the signal for an explosion of popular fury unparalleled in English history. 'Nobody', says Reresby,¹¹ 'can conceive that was not a witness thereof what a ferment [the Plot] raised among all ranks and degrees,' and his evidence is borne out by other writers. Algernon Sidney had lived through the troublous times of Charles I, yet he asserts that he 'never saw men's minds more heated'.¹² The city of London called out its forces and maintained full watches.¹³ The effects which followed the discovery of the Popish Plot were all the more violent because it was not an isolated incident but the culmination of a long series of unexampled commotions which had brought the nation to the brink of madness. Public opinion was paralysed and credence was given to the wildest improbabilities. They prepared the soil from which the sower of lies reaped so terrible a harvest.

The same wave of popular excitement which confounded the court party and for the moment threatened to overwhelm the monarchy itself, carried the country party to the height of its power. How far the whigs were responsible for the Popish Plot remains an unsolved problem. The balance of probability is on the whole that they were not, for the incoherent statements of Oates show little sign of having been inspired by a controlling master-mind. But the skilful leaders of the party were not slow to take advantage of the tide which was flowing in their favour.

⁶ *Historical Relation*, ed. 1857, i. 17.

⁸ *Diary*, 1908, p. 177, 20 July 1679.

¹⁰ *Ibid.* p. 203.

¹² *Memoirs*, ed. 1794, vol. i, app. 110.

⁷ *Letters*, 1875, p. 70, 29 July 1679.

⁹ Reresby, *Memoirs*, p. 180.

¹¹ *Ibid.* p. 179.

¹³ Luttrell, *Historical Relation*, i. 21

Already in the Pensionary Parliament they had professed to espouse the cause of the people, to assert their liberties, and defend their property and 'whatever else is dear to Englishmen'.¹⁴ They asked for no revolution, and asserted that they wished only to maintain 'the religion and government by law established'. They were no republicans. On the contrary they declared themselves anxious to preserve the king's prerogative, but, they added, the best way to do so was neither to increase nor diminish it: to make the king absolute was to weaken, not strengthen, his prerogative, for his authority rested upon a legal basis. If that were destroyed his only title to obedience would be that conferred by the sword, 'and he that hath the sharpest will prove to have the best right.'¹⁵ They now appealed to popular support on the ground that they were 'stout opposers of the Court and good Countrymen, and men that will stand up for the interest of the people and the good of the country'.¹⁶

In writings and speeches they depicted the miseries of arbitrary government. They reminded the people of the dangers involved in despotism, and pointed to the evil plight of continental countries.¹⁷ A day did not pass, they declared, without witnessing the enunciation of some pernicious doctrine. Everywhere alike, in private over a glass of ale, in pulpits over their cushions, clergymen were proving to demonstration that absolute monarchy was *iure divino*, denouncing the unreasonable stubbornness of parliament, proclaiming the virtues of the king so long as he appeared a pliant tool ready to condemn to the pillory, the jail, or the halter, all who were not of their flock, and teaching that the property and life itself of the subject were held only during the king's pleasure.¹⁸ Above all the country party raised a passionate outcry against popery. They recalled the days of Queen Mary, 'whose large and golden promises were sealed with fire and faggot,'¹⁹ of the Armada, of the Gunpowder Plot, of the massacre in Ireland. In one remarkable pamphlet a lurid picture was drawn of the effects which would infallibly follow if ever popery were to prevail, of the city of London in flames, of the ravishing of women, the murder of children, the fires of Smithfield, the plunder of shops and houses.²⁰ All these evils would come to pass if the king's brother were to succeed to the throne. A catholic

¹⁴ Reresby, *Memoirs*, p. 152.

¹⁵ *The Speech of H. Booth, Esq., spoken in Chester*, 2 March 1680.

¹⁶ *The Moderate Parliament*, 1679.

¹⁷ *An Address to the City of London and all other Cities, Shires, and Corporations concerning their choice of a new Parliament*, 1681.

¹⁸ *Ibid.*

¹⁹ *The Certain Way to save England*.

²⁰ See *An Appeal from the Country to the City*, a pamphlet which created great stir and 'made a mighty noise about the time', and L'Estrange's *An Answer to the Appeal*. The publisher of the former was brought to trial; see *A Just Account of the Tryal of Benjamin Harris*.

sovereign would necessarily establish popery,²¹ and with it absolute monarchy, 'which is the only reason that renders this religion so amiable in the eyes of princes.'²² Therefore the succession must be altered and the duke of York excluded. Such was the style of argument by which the whigs won the elections of 1679 and 1680.

Meanwhile the court party could do little more than remain passive, while their antagonists swept the polls from one end of the country to the other. Were it but hinted that a candidate favoured the cause of the duke of York or that he was one of the court party, his chances of success were gone.²³ The people, exclaimed the king bitterly, 'would choose a dog if he stood against a courtier.'²⁴ They were, indeed, placed at a disadvantage by the name which their opponents had succeeded in affixing to them, and they protested in vain against the whigs' arrogating to themselves the title of 'countrymen'. The term implied that neither the king nor the court were friends to the country, for if a man is attacked as a 'courtier' because he serves the king, the inference is that the king himself is regarded as an enemy to the country—and no question but 'tis the king they mean, if they durst but speak out.'²⁵ Those who now claimed to be the 'country party' and to care only for the interests of the people were—so the court party declared—none other than those who as puritans, and later as the godly and sober party, had been conspicuous for disloyalty and fanaticism. Let a man have drawn the sword against the father, and be willing a second time to draw it against the son, yet if he but 'write himself as a countryman, he becomes the darling of the people and is certain of commanding their votes and suffrage.'²⁶ The whigs were denounced as 'factious and ill-minded men, fomented with the leven of '41, dangerous to the Church and the Monarchy'.²⁷ In recalling the miseries of the civil war the tories hoped to revive popular feeling against the dissenters,²⁸ and the country party was quick to recognize the danger, for this indeed was the rock upon which they were to be dashed to pieces at the height of their greatest power. Accordingly the whigs insisted that the act of oblivion marked the intention both of king and parliament to wipe out the remembrance of those troubled times.²⁹ Nonconformists and Anglicans alike were menaced by a common danger. The quarrel was now

²¹ *A Most Serious Expostulation.*

²² *An Address to the City of London, &c.*

²³ *The Manner of the Election of Burgesses for Colchester, 1680/1.*

²⁴ Ralph Josselin, *Diary* (1908), p. 175.

²⁵ *The Moderate Parliament.*

²⁶ *Advice to the Nation by Robert Tell-Truth, 1679.*

²⁷ *London's Choice of Citizens, October 1679.*

²⁸ L'Estrange, *A Serious Epistle to Hodge, 1680*; compare *A Letter from J. B. to Mr. Jenks, 1679.*

²⁹ *Honest Hodge and Ralph holding a sober Discourse, 1680.*

one between protestant and papist,³⁰ and therefore all protestants should forget their differences and join hands together.³¹ The whigs were drawn towards toleration by the same political exigencies which in 1689 induced them to pass the Toleration Act. The argument was : ' You are afraid of popery, but why do you fear it, but for its compulsion and persecution ?—and will you then compel or persecute yourselves ? ' ³²

The court party could see no reason for just complaint against the court, and no ground for charges of arbitrary power and tyranny ; neither the king nor his ministers designed to overthrow the privileges which the people enjoyed.³³ On the contrary, the government had shown every anxiety to secure the safety of the nation.³⁴ The catholic peers had been removed from the house of lords. The duke of York's daughter had been married to a protestant prince to safeguard the succession. Those concerned in the Popish Plot had been brought to trial, nor had any attempt been made to protect them from their just punishment. All the privileges and liberties which the subjects possessed were granted to them ' by the bounty and goodness of their former kings ', and none had ever attempted to destroy them. Moderate men were won over by the protestations of Danby that the jealousies of those who called themselves the country party were without foundation, that to his certain knowledge the king meant ' only to preserve the religion and government by law established, that if the government was in any danger it was most from those who pretended such a mighty zeal for it but had mainly at heart their own interests, whatever they asserted in favour and defence of the public.'³⁵ While the court party thus consistently defended the monarch, their attitude towards the Popish Plot was equivocal. They did not venture to deny the existence of a plot, but if asked whether they believed in it they replied that they did not make it an article of their creed.³⁶ They hinted that men were governing themselves by dreams and imaginations, and subscribing to every coffee-house tale.³⁷ They complained bitterly, moreover, that the Popish Plot was utilized by the country party to serve their own purposes. The dissenters were openly boasting in the street and in the coffee-house that they would make the clergy put aside their surplices, and were hoping soon to see the day when their gowns should be pulled

³⁰ *The Country's Vindication*.

³¹ *A Most Serious Expostulation*.

³² *England's Great Interest in the Choice of this New Parliament* (? 1679); see also *Vox Regni, A Dialogue between the City and Country*.

³³ *The Moderate Parliament* (1679).

³⁴ *England Bought and Sold* (1681).

³⁵ Reresby, *Memoirs*, p. 161.

³⁶ *London's Choice of Citizens* (October 1679).

³⁷ L'Estrange, *Citt and Bumpkin* (1680).

over their ears.³⁸ But the tories declared their resolution to lose life and fortune rather than submit to presbytery in the church and a commonwealth in the state.³⁹ Towards the problem of the succession their attitude was less ambiguous. The Founder of Christianity had said, 'Give unto Caesar the things that are Caesar's;' and therefore the king must be obeyed. Moreover, Charles's refusal to yield was justified in a precedent-loving nation by Elizabeth's refusal to allow parliament to interfere in the succession.⁴⁰ In any case, if the next heir to the throne were set aside, the difficulty of choosing another would lead to continued unrest and commotion.⁴¹ On these grounds they opposed any alteration in the line of succession.⁴²

Both parties alike flooded the country with countless pamphlets,⁴³ in which they employed every art that imagination could suggest to work upon the feelings of the people. The writers showed little heed for truth, unless it chanced to be in their favour, and the historian has difficulty in finding his way amid the maze of falsehoods, of assertions and counter-assertions, in which the most ordinary events of the day were involved. Lady Russell appositely termed them 'the intelligence of lies',⁴⁴ and the secretary of state complained in a letter to Henry Sidney of the 'impudent horrid libels' with which 'we are pelted at'.⁴⁵ Evelyn remarked upon the 'too much and indeed too shameful a liberty' with which 'papers, speeches, and libels were publicly cried in the streets', and justly added that 'the people and Parliament had gotten head by reason of the vices of the great ones'.⁴⁶ There were complaints that the king could not suppress them,⁴⁷ though he had issued a proclamation against them.⁴⁸

³⁸ L'Estrange, *A Sober Discourse of the Honest Cavalier*, 1680.

³⁹ *The Present Great Interest of King and People*, 1679, breathes the spirit of the old cavaliers of 1641.

⁴⁰ *England Bought and Sold*, 1681.

⁴¹ *A Letter to Mr. Jenks*, 1679.

⁴² The sentiments of the tory party are well expressed in the following ballad (? 1680), Brit. Mus., Satiric Prints, i:

'Here's a health to the King and his lawful successors,
To Tantiy,* Tories and Loyal Addressers:
No matter for those that promoted Petitions,
To poysn the nation and stir up Seditions.
Here's a health to the Queen and her Ladies of Honour,
A P—x on all those who put sham-plots upon her;
Here's a health to the Duke and the Senate of Scotland,
And to all honest men that from Bishops ne'er got land.
'Here's a health to our Church and to all that are for it,
A shame take all Papists and Whigs that abhor it,' &c.

* The High Tory Clergy.

⁴³ Luttrell, *Historical Relation*, i. 19.

⁴⁴ *Letters of the Lady Russell*, i. 83.

⁴⁵ Sir L. Jenkins to Sidney, in *Diary of H. Sidney*, ii. 86.

⁴⁶ *Diary*, ed. by A. Dobson, iii. 31.

⁴⁷ *Letters of Humphrey Prideaux*, p. 83.

⁴⁸ Luttrell, i. 25.

Two publishers, Benjamin Harris and Smith,⁴⁹ were notorious on the whig side, while L'Estrange, a host in himself, was the unyielding bulwark of the court party. But it was not by harangues and pamphlets alone, by specious arguments or the appeal to popular prejudices and passions only, that the elections to the exclusion parliaments were won. Other forces were at work, and candidates did not fail to avail themselves of them. Bribery, intimidation, the pressure of royal, clerical, and other influences were brought to bear. It will be necessary to attempt some estimate of the importance of these factors in determining the result of the elections.

As for bribery, we have to consider first the extent to which it was employed during the exclusion struggle, and secondly the way in which it was regarded by the country at large. During the elections for Charles II's later parliaments bribery had already become one of the main instruments by which candidates sought to secure their return. In earlier days, when attendance in parliament was an onerous duty, instead of members bribing their constituents the constituents paid them wages. The change indicates the immense importance of the development of parliamentary institutions during the period following the accession of the Tudors to the throne. The first sign of the altered condition of things was the readiness of members to serve without pay,⁵⁰ and the pensionary house of commons had ordered a bill to be brought in repealing the statute of wages,⁵¹ when it was said in debate that 'it is generally promised at elections in boroughs to serve freely'.⁵² The desire for a seat in parliament was not always due to public spirit, or even to ambition to play an important part in politics. Some valued the position because of the immunity from arrest which it afforded to persons in debt ;⁵³ others, again, because no man could hope for advancement at court unless he had a vote in parliament to recommend him.⁵⁴ 'So that', observes Reresby, 'it is no wonder I had no less than five competitors when I offered myself for Audborough.'⁵⁵ With whatever motive, there can be no question that candidates bribed on a large scale. The electoral history of the borough of Buckingham throws an interesting light upon the practice. Buckingham was represented by Sir Richard Temple, and we are told that his opponents offered to build a town-hall, suggesting that the town was impoverished from a want of public

⁴⁹ *A Just Account of the Tryal of B. Harris.*

⁵⁰ Porritt, *Unreformed House of Commons*, i. 152.

⁵¹ Cobbett, *Parliamentary History*, iv. 842.

⁵² *Ibid.* p. 843.

⁵³ Reresby, *Memoirs*, p. 152.

⁵⁴ *The Savile Correspondence*, p. 45. 'If I am destin'd not to be' [of Parliament], wrote Henry Savile, 'I must [rest] content with my poverty, without any remedy.'

⁵⁵ *Memoirs*, p. 152.

meetings. Thereupon Temple was asked to do something for the town, but he refused to comply.⁵⁶ According, however, to another account,⁵⁷ Temple presented the burgesses with timber to build them a hall, and so earned the designation of 'Sir Timber'. At a subsequent election Lord Latimer offered £300 to erect the town-hall, and this offer 'much balances with mercenary spirits, and my Lord puts in hard to be chosen'.⁵⁸ Eventually Sir Ralph Verney built it, and was returned to parliament.⁵⁹

A favourite mode of bribery was treating. No election seems to have been complete without a vast amount of eating and drinking. Sir Thomas Browne, who was present at the election at Norwich in 1679, marvelled at the 'strange consumption of beere and bread and cakes'.⁶⁰ Even Sir Ralph Verney, whose electioneering morality has been described as two centuries in advance of his time,⁶¹ did not scruple 'to entertain the Mayor and Aldermen and to give £10 or £20 to the poor', though as to treating 'the mobile at all the alehouses in the parish and to make them drunk perhaps a month beforehand, as is usual in too many places upon such occasions, I shall not join in that expense. I had rather sit still than gain a place in Parliament by that debauchery.'⁶² This treating meant a heavy expenditure. Evelyn complained bitterly that his brother's supporters 'eat and drank him out near £2,000 (I believe) by a most abominable custom'.⁶³ For, as one candidate was reminded by his steward, 'it is not to be imagined what those fellows, their wives and children will devour in a day and night, and what extraordinary reckonings the taverns and alehouses make, who being burghers are not to be disputed with on that point.'⁶⁴ Nor could ordinary candidates make a stand against the practice: each candidate tried to go a step farther than his opponent, and so all were reduced to the excuse which Henry Savile gave to his brother: 'Sir R. Rothwell [Savile's opponent] had been at so great an expense before we came, that we found it impossible to hope for a voice in this town, if we stuck to the new order of the House of Commons [against bribery] and not to the old custom of England.'⁶⁵

There is not sufficient evidence to show how much election

⁵⁶ *A True Account of the Elections for the County of Bucks.*

⁵⁷ *A Mild Letter to the Men of Bucks.* Compare *New News of a Strange Monster found in Stow Woods*, which comments on the other tract thus: 'This pamphleteer must needs deal with the devil, otherwise he could never have forged so notorious a lie.'

⁵⁸ *Verney Memoirs*, iv. 329.

⁵⁹ *Ibid.* iv. 472.

⁶⁰ *Sir T. Browne's Works*, i. 241.

⁶¹ *Verney Memoirs*, iv. 324. His gift of a town-hall has been mentioned above.

⁶² *Verney Memoirs*, iv. 324.

⁶³ *Diary*, iii. 28 (February 1679).

⁶⁴ Gilbert Spencer to H. Sidney, 1 September 1679 (*Diary of H. Sidney*, i. 116).

⁶⁵ *The Savile Correspondence*, p. 45.

expenses amounted to. Reresby⁶⁶ says they were sometimes as high as two thousand pounds, others⁶⁷ give even three thousand. But these figures were certainly exceptional. At Bramber one of the candidates withdrew from the election on condition of being repaid his charges; these were only £80, and yet were held to be out of the common.⁶⁸ There were various things to be paid for: there were gifts to the poor, treating, bribes to the constituency as a body—for example, offers of public works—bribes to individual voters, which were sometimes £10 a piece.⁶⁹ The official expenses, which now fell on the candidates, were not yet as heavy as they subsequently became, and were not authorized by law till the eighteenth century.⁷⁰ We have the election bill for Buckingham in 1681.⁷¹ Each member paid the four poll-clerks a guinea; 'to the men that got superscriptions for them, the like, being three or four, and also to pay for drawing the intentions and the exposition all the day of the election.' Besides these were the expenses of agents 'in riding about and paying of messengers', so that altogether 'tis a great charge to be chosen a Parliament-man'. One wrote⁷² that his burgess-ship suited better with his pride than with his purse, and that every letter that gave him an account of his expenses made his heart bleed as much as his purse. An election also involved arduous labour. The candidate must drink himself into the good graces of his electors, sit up the whole night long drinking with the high sheriff or the mayor,⁷³ and spend the day in consuming more good ale and sack than he ever thought a country town could have held,⁷⁴ beginning over again 'this worthy employment' on the morrow. He had to kiss all the old women.⁷⁵ He was expected to be present on market days, and must not forget to call on the returning-officer. No wonder they longed for the day of election more than ever 'a lover did for his wedding'.⁷⁶ Yet when the election was over Henry Savile could write, 'I am so delighted with my new seat in Parliament that if Mr. Whaley,' the defeated candidate, who had presented a petition against Savile's return, 'should in the least disturb me, I should scream as if I lost a limb.'

Election expenses were already matters of comment, and the complaints which were made show that bribery was not yet a recognized part of the system. In the pensionary parliament it had been the subject of debate.⁷⁷ 'This bribing men by drink is

⁶⁶ *Memoirs*, p. 152.

⁶⁷ *The English Intelligence* (August 1679).

⁶⁸ *Diary of H. Sidney*, i. 116.

⁷⁰ Porritt, i. 182.

⁷² *The Savile Correspondence*, pp. 47, 48.

⁷³ *Verney Memoirs*, iv. 339.

⁷⁴ *The Savile Correspondence*, p. 46.

⁷⁶ *The Savile Correspondence*, p. 46.

⁶⁹ *Ibid.* 116.

⁷¹ *Verney Memoirs*, iv. 348.

⁷⁵ *Diary of H. Sidney*, i. 119.

⁷⁷ Cobbett, iv. 658, 783.

a lay simony,' said one member, 'electiones fiant libere.'⁷⁸ In 1675 a resolution was carried incapacitating any member who expended more than five pounds in 'meat or drink' on the electors.⁷⁹ In the elections to the exclusion parliaments the evil of bribery and corruption and the danger involved in it were bitterly denounced. 'Our ancestors would stand amazed', they were told,⁸⁰ 'to see men thus foolishly trifle away those precious liberties which cost many of them their dearest lives to maintain.' They were reminded of the old English proverb 'which we that live in Market Towns understand', that those that buy dear cannot sell cheap. The purchase of a seat would lead to repayment by the sale of their votes,⁸¹ for 'wise men well know that such excessive charges are too unreasonable a thing to be borne by any honest person'. Some men who sat in the last parliament had 'received yearly more money for selling their country, than it cost them to be elected'. The danger was all the more to be dreaded because of the frequent dissolutions. 'The honest country-gentleman, designing no other private advantage but the true service of his king and country, hath no reason, neither is he able, once in half a year to spend 4 or 500 pounds only to purchase a place full of charge, trouble, and danger without any profit to himself.'⁸² Sir John Bramston refused to stand as knight for his shire because of the expense involved, and was only persuaded to be a candidate for the borough of Malden on the understanding that he should have no expense or trouble.⁸³

Not less significant was the practical expression of disapproval which many constituencies displayed. At the elections in Essex in 1679, which continued for several days, the freeholders, who had come a considerable distance from their homes, refused to put their members to any charge.⁸⁴ In Surrey the freeholders themselves invited their members to a dinner.⁸⁵ At Harborough the member was not only freed from all expense at the election, but the charges of his journey from London and his return were defrayed by the electors.⁸⁶ In other places representatives were chosen without their being present in order to save them the expense and trouble of the journey.⁸⁷ These instances are of interest as evidence of the wholesome relations

⁷⁸ Cobbett, iv. 783.

⁷⁹ *Ibid.* p. 784.

⁸⁰ Sir W. Cooper, M.P. for Hertford, in Smith's *Protestant Intelligence*, no. 8.

⁸¹ *Essex's Excellency*, 1679.

⁸² *An Address to the City of London*, 1681. Curiously enough, however, Henry Savile held that the frequent dissolutions 'will probably make burgessing cheaper than it was formerly' (*The Savile Correspondence*, p. 113).

⁸³ *Autobiography*, p. 169.

⁸⁴ *Essex's Excellency*.

⁸⁵ *True Domestic Intelligence*, 29 August 1679.

⁸⁶ Smith's *Protestant Intelligence*, no. 11.

⁸⁷ e.g. St. Albans (Smith's *Protestant Intelligence*, no. 3); Kingston-upon-Hull (*The Unanimity and Loyalty of the famous Town Kingston-upon-Hull*).

which were still often maintained between members and their constituents.

'Some carry elections by ability to expend,' said a member in a debate on the reform of elections in 1674, 'and some by awe and force.'⁸⁸ Intimidation was a powerful weapon. Landlords exerted pressure on their tenants;⁸⁹ employers on their employees. At Oxford the servants employed in the colleges were threatened with the loss of their employment if they ventured to vote according to their conscience.⁹⁰ There was also the immense influence wielded by territorial magnates and county families, always a potent factor in determining the result of a county election. What bribery did in the boroughs influence did in the counties. Pressure was exerted by the Crown, by peers, and by the church. Sunderland told Henry Sidney that the king 'meddles in none of the elections',⁹¹ but there is evidence to show that his influence was brought to bear in particular cases. There was, it is true, no wholesale interference, such as was marked in earlier reigns by charters of enfranchisement, and subsequently by attacks on the corporations; but the government did not remain passive. In the election of 1678 the lord treasurer tried to force his nominee upon Lichfield,⁹² and wrote to the sheriff of Yorkshire to favour Sir John Reresby in his return.⁹³ In the draft of an unsigned letter dated 31 January 1678-9,⁹⁴ and probably intended for the earl of Yarmouth, the writer says, 'I hope the electors will make choice of such persons as are of unquestionable loyalty and that will be most serviceable to the King, the Church and the Country.' He mentions as candidates Sir Christopher Calthorpe and Sir William Catelyn, and adds, 'I hope all my friends will industriously join with me therein. Wherefore I desire you to use your utmost diligence in this juncture of affairs to promote their election.' The earl of Yarmouth replied that he had brought out Calthorpe and Catelyn as candidates and would vigorously withstand their opponents, 'not having the feare of the Lord before my eyes (I meane of Cromwell's Lord)'.⁹⁵ The earl, indeed, was working hard for the Crown in Norfolk, and was in constant communication with the secretary of state. 'Be pleased', he wrote, 'to let me receive your commands by my son, or if by the post you have any instructions for me they shall most readily be obeyed.'⁹⁶

In every part of the country the secretary, Sir Joseph

⁸⁸ Cobbett, iv. 658.

⁸⁹ Verney Memoirs, iv. 335.

⁹⁰ Smith's *Protestant Intelligence*, no. 4.

⁹¹ *Diary of H. Sidney*, i. 58; compare also the *Hatton Correspondence* (1878), p. 170.

⁹² *Hatton Correspondence*, p. 174.

⁹³ Reresby, *Memoirs*, p. 188.

⁹⁴ State Papers, Domestic, Charles II, vol. ccccx.

⁹⁵ *Ibid.* 3 February 1678/9.

⁹⁶ *Ibid.*

Williamson, was in touch with correspondents, and kept informed as to the course of events. One letter runs : ⁹⁷

In this country hardly a man besides my father that served in the last Parliament will be chosen in this. . . . Sir William Portman in the county of Somerset is under some difficulty to be chosen as being not thought phanatick enough, so that the error of dissolving the last Parliament will sufficiently appear in the meeting of this, and yet such are the straits of the crown that it cannot subsist without them.

Another correspondent wrote, 'I find great endeavours to choose men of warmth.' ⁹⁸ The king himself urged the claims of Sir Charles Wheler upon Cambridge University. ⁹⁹

Whereas we are informed by our trusty and well-beloved servant, Sir Charles Wheler, that he is under a great discouragement, as if our University of Cambridge did think him to be lesse in our good opinion and favour, we doe therefore upon his humble request to us, thinke fitt to signifie that we have been fully satisfied in Sir Charles Wheler's constant services to us and especially in his faithful discharge of that trust which our University reposed in him, we having taken notice with what diligence and industry hee has pursued all occasions of appearing for the Protestant Religion, as it is professed in the Church of England, which we devoutly desire may be for ever established and flourish in all our kingdoms and dominions, and so we bid you farewell.

This memorandum is an interesting example of direct intervention in an election on the part of the king.

Among the peers we have seen the activity displayed by the earl of Yarmouth. 'I shall send up men devoted to the methods of the Crown', he writes to Sir Joseph Williamson, 'and that will not meddle with Ministers of State. . . . I had rather lose my life than have men triumphing in an house of Commons that sang a song about the Worcester Cross when the king was drawn into distress by his rebels, and have never in one vote in Parliament testified any repentance,' ¹⁰⁰ and again : 'I have given to the shrieve (who is a dexterous manager) great caution to serve you to his utmost power. . . . If the balance in other countryes bee butt as well poysed as I morally promise myself it will be in this, I think his Majesty will have noe cause to send them home againe.' The duke of Buckingham supported Wharton and Hamp-

⁹⁷ Letter from Mr. Seymour, dated Poltimore, 8 February 1678/9 : *State Papers, Domestic, Charles II*, vol. ccccx.

⁹⁸ Letter from Christopher Musgrave, 13 February 1678/9 : *State Papers, Domestic, Charles II*, vol. ccccx.

⁹⁹ *State Papers, Domestic, Charles II*, vol. ccccx. The memorandum is subscribed thus : 'That this paper thus worded was given me by his Majesty the 4 Feb. 78/9 in the Queen's Bedchamber,' and is signed 'Williamson'.

¹⁰⁰ Letter from the earl of Yarmouth, 3 February 1678/9 : *State Papers, Domestic, Charles II*, vol. ccccx.

den, who stood for Buckinghamshire.¹⁰¹ The lords-lieutenant of the counties also used their influence and position.¹⁰² It was, however, noticed, 'The intervention of Peers of the realm in elections made by the counties is very illegal and hath been frequently complained of in Parliament as a high invasion of the liberty of the subject and may be of evil consequence if countenanced for the future.'¹⁰³

The church threw its weight on the tory side. 'I could wish', observed one writer, 'it were not the opinion of too many [clergymen] that the way to recommend themselves as true sons of the Church is to preach seldom, and meddle with State affairs more.'¹⁰⁴ The presence of the clergy at the elections was resented by the party to which they were opposed. We read in a partisan account, which cannot be relied upon as very trustworthy, that the clergy were present in large numbers at the Essex election, and were rudely handled by the crowd. 'I saw the clergy abused by such incivilities and affronts as I hope are not to be paralleled ;' they were thrown from their horses, their gowns torn, and dirt thrown in their faces.¹⁰⁵

In these ways the course of the elections during the exclusion contest was disturbed by external influences.

E. LIPSON.

¹⁰¹ *Letter from a Freeholder of Buckinghamshire.*

¹⁰² *Essex's Excellency.* (The duke of Albemarle who is there referred to was the lord-lieutenant of the county. Cf. the *English Intelligence*, 23 August 1679.)

¹⁰³ *A True Account of the Election of Knights for Buckinghamshire.*

¹⁰⁴ *Speech of H. Booth, Esq. ; cf. also Plain Dealing : or a Dialogue about Choosing the next Parliament.*

¹⁰⁵ *An Impartial Account of the Behaviour of a Party of the Essex Freeholders at their late Election of Parliament Men for that County*, August 1679 ; see also Burnet, ii. 211.

Burke, Windham, and Pitt

PART II

TWO events which occurred in the month of June 1794 seemed to justify the opinions of Burke and Windham, and to condemn the diffuse operations whereby the Pitt ministry sought to keep together the first coalition and harry France on all sides. These were Howe's naval victory, 'the Glorious First of June,' and the Austrian reverse at Fleurus near Ligny, on 26 June. By the former Great Britain secured almost complete mastery at sea; the latter was the pretext for, if not the cause of, the retreat of the Austrians from their Belgic provinces. Howe's triumph opened the way for British convoys to help the French royalists of La Vendée. On 11 June the duke of Portland wrote to Burke congratulating him on the victory, and adding, 'I think I see an English fleet covering the coast of France and the white plumes and standards advancing to restore order, religion, and law to that happy country, and tranquillity and serenity to the rest of the civilized world.' A month later, the duke of York, commanding the British and Hanoverian forces in Flanders, wrote to Dundas that they were betrayed and sold to the enemy by the disgraceful retreat of the prince of Coburg and Clerfait. Besides yielding Belgium an easy prize to the French, that tame withdrawal assured the surrender of Valenciennes and three other French fortresses captured in 1793.

The natural sequel to these events would have been the entire withdrawal of the British and subsidized forces from a campaign which the Austrian court prolonged merely for the sake of appearances, and in which Prussia steadily refused to fulfil her treaty obligations. But Pitt felt himself bound both by honour and policy to defend the Dutch Netherlands, now in far greater danger than at the outset of the war. Behind them there was Hanover, and beyond it stretched the defenceless plain of North Germany. Was it possible that greed of Polish land could induce the courts of Berlin and Vienna to withdraw the bulk of their forces from the Rhine, thereby leaving the weak and

cumbrous Germanic system defenceless? Further, how could British ministers stand by and see the patrimony of George III occupied by the French? The king was extremely sensitive on this point; and there are clear signs that, during the ensuing discussions on war policy, he insisted on the retention of no small part of the British forces for the defence of his electorate. The influence of the king on war policy was very great, all the more so because his ministers were ill acquainted with military affairs. It is well, then, to remember that his authority as well as treaty obligations to the Dutch, and the hope of ministers, ever disappointed but never wholly extinguished, that the German powers would discern the danger of Jacobin ascendancy in the Rhineland, conspired to hinder that solution of the war problem which Portland, Windham, and Burke sought to bring about. In a memorandum by Pitt, of 11 July, he wrote hopefully of the prospect of keeping 160,000 allied troops in Flanders, or 238,000 in the next year. Brittany and Poitou held quite a secondary place in his thoughts.¹

The accession of Portland, Fitzwilliam, Spencer, and Windham to the cabinet in the second week of July coincided with the arrival of news of the discreditable retreat of Coburg towards Waterloo and Wavre. It is not surprising that the new ministers, especially Windham (now the official exponent of Burke's views), should urge the withdrawal of as large a part as possible of the British and Hessian forces from Belgium, in order to aim a blow at Paris through Brittany or La Vendée. All this time the brave Bretons and Poitevins were maintaining a desperate struggle against 'the blues', often with success. District after district declared for God and the king at the very time when the allies were relaxing their feeble hold of the Netherlands. To this subject Windham forcibly referred in a letter to Pitt, of which the date is imperfectly given:

Friday night, 12th.

My dear Sir,

I missed you today, unfortunately, in the house of commons. . . . I wanted to urge to you the necessity of giving immediate orders for the laying in and embarking a new store of provisions, and the necessity, almost as urgent, of adopting between the victualling and transport boards, such an arrangement as I was speaking to you about, from Admiral Christian some time since.² Depend upon it the service never can go on well, as it is at present, either for secrecy or dispatch. It is by no means clear that an insuperable evil, from the want of that arrangement, may

¹ *Dropmore Papers*, ii. 599.

² The numerous complaints as to the dilatoriness of the admiralty led Pitt to depose his brother, Lord Chatham, from the position of first lord at the end of the year 1794. Earl Spencer succeeded him.

not have happened in the present instance. We know that delay has happened from it. It remains to be seen whether that delay will be attended with any serious consequences.

Besides the precautions respecting provisions, preparations of various other sorts should be going on. Should all things proceed with perfect success it is not impossible that the means so to be prepared may be called for in the course of a fortnight. Under this impression I cannot but feel greatly disturbed at the plans which you and Mr. Dundas have in view, and of which I was telling you my apprehensions, when you were going the other day to Wimbledon. I cannot but think that all this belongs to a wrong system; and a system that will be more wrong because the enemy will probably adopt the right one. If you extend your operations, they will for that very reason concentrate theirs. They will see that they cannot defend all parts, and will therefore make up their minds to defend those only where the wound would be mortal; and, having succeeded in that endeavour, will soon bring you to a state in which you can no longer wound them either mortally or otherwise. What will the most fortunate blow do in any other quarter, if the great enterprise fails? On the other hand, what does it signify whether any other blow is made, or not, if the great enterprise succeeds? I would hardly give the least particle of my hopes of success in this, for the certainty of almost any success that could be had in any other way. Whatever we may propose, the enemy will, I am persuaded, put their whole force to repel that which they will see goes to their very existence; and, if we do not act upon the same principle and collect all our force to give effect to the effort so directed against them, that effort will probably fail, and with it all the hopes of any satisfactory conclusion of the war. It will really be dreadful if, with such a prospect as may now open out before us, we should again suffer ourselves to be drawn aside by this fatal ambition of succeeding in many objects at once.

But there is a measure, intended, I understand, to take place, which will produce a great part of the effect above apprehended, and, as it seems to me, with infinitely less motive. This is the sending out the *remount*, as it is called, of the cavalry. If it is fully decided that the cavalry is to stay [in Belgium], it is desirable certainly that it should be properly mounted. But the importance of that object, just at this moment can hardly be put in competition with its inconveniences, when it is considered that this equipment requires 26 or 27 sail of transport, equal to the carrying of 3,000 infantry, together with more than 500 horses. It is a matter seriously to be considered, whether, with such calls as may almost certainly come upon us, such a defalcation in the force of transports should be admitted. It would surely be better that this measure should be deferred for a short time till it be seen what other services may arise, or till the augmentation proposed in the number of transports may in part have been carried into effect. . . .

[He then refers to the urgent need of doing something for Burke.]

Rarely has the case for helping the Bretons and Vendéans been set forth more trenchantly. Especially able is Windham's

criticism of dissipating the scanty British forces in Belgium, in the West Indies, and in other enterprises such as the conquest of Corsica and the Cape of Good Hope, when the great aim should be to determine on the best field of operations and concentrate all efforts upon it. On the other hand, all French royalists did not agree with Windham. That sage counsellor, Mallet du Pan, writing from Berne on 3 August with reference to the recent fall of Robespierre, urged Lord Elgin to advise his government to rely on the constitutionalists and to scout the *émigrés* and the Vendéans as a mere atom in the mass of the French nation. 'Il faut faire la contre-révolution avec ceux qui *peuvent* la faire, et non avec ceux qui ne peuvent rien.' It is not surprising that, amidst these contradictory councils, Pitt and Grenville should desire to get a clear view of the situation both at Vienna and in Belgium. To the Austrian court they dispatched Earl Spencer and Mr. Thomas Grenville in the hope of inducing the Emperor Francis to put forth strenuous efforts for the safety of his Belgic lands. Lord Malmesbury was at the Prussian head-quarters, vainly seeking to infuse some spirit and sense of duty into the allies; but it is clear from the following letters of Pitt to Windham that the former, for a time at least, favoured the 'plan' of acting mainly in Brittany or La Vendée. This implied the weakening of the British force in Belgium, and therefore the resignation of the supreme command by the duke of York. On this last topic the opinions of Pitt and Windham had differed. The latter deemed the complaints of the British officers against the duke factious and unfounded; while in the previous month of February Pitt had even sought to substitute the Marquess Cornwallis as commander of the British and subsidized forces in Flanders. In deference to the judgement of the Austrian colonel, Mack, Pitt waived the proposal; but now, in the still worse conditions of the summer, he resumed it, with the assent of Windham.

The long experience of Cornwallis in the field and the dignity of his bearing promised to put an end to the cavillings of officers, and the bad discipline of the rank and file, which impaired the efficiency of the British and subsidized forces. Cornwallis had recently accompanied Malmesbury on a mission to the Prussian head-quarters, and his knowledge of the motives operating on the German courts marked him out as the best possible commander. After much discussion in the cabinet Pitt referred the proposal both to the king and to the marquess. For different reasons they accorded to it a guarded and reluctant assent; and it was agreed that Windham should proceed to the head-quarters of the duke to lay before him the whole scheme, which included the withdrawal of a large part of the British force for service in the

west of France. The following letters throw fresh light on these topics :

Pitt to Windham

Wimbledon, Thursday, 8 p.m. [Aug. 27, 1794.]

In talking over the plan, it seems as if there would be time for Lord Cornwallis to reach Flanders soon enough to *execute* the movement now in question which must require some preparatory steps ; and we incline to the opinion that he ought to go without waiting for an answer from Vienna. The local rank of field marshall would give him the command over Clerfayt, even before the answer from Vienna arrives, and after our once having the chief command, they will not find it easy to take it back, after their assurances to Lord Spencer, to appoint no one but a person agreeable to us. I believe therefore that the best thing to be done is to prevail on the duke of York to come away even before this movement is executed. I write these ideas to you as they have occurred, and shall be much obliged to you if you will call on me tomorrow morning between ten and eleven in Downing Street on your way to the cabinet.³

Pitt to Windham

Private.

Walmer Castle, Thursday, Sept. 4th 1794.

Your letter from Deal after going round by London reached me here only on Tuesday, too late to return an answer by that mail ; and before any thing could now reach you, your business must necessarily be decided. I would however have sent a messenger straight from hence, if I thought that the expedient you mentioned could have been made use of to facilitate the arrangement ; but from the stress which Lord Cornwallis laid on a temporary absence, I am convinced that he would not think it practicable to undertake the command under any other circumstances. In other respects the sort of command you speak of is I imagine very much what the duke of York would naturally have under Lord Cornwallis. Only I doubt whether he would properly have any separate staff, except for the Hanoverian army, of which he would remain the commander in chief.—On that point of the staff, however, you will have obtained the best information on the spot, as the instances of General Clerfayt, Beaulieu, and others, when commanding large detachments of the Austrian Army, must have ascertained the practice. On all this, however, there will be sufficient time for consideration if the general result of your negotiation has been favorable enough to leave an opening for it—I imagine it will not be more than two or three days before we know what has passed. In the meantime it seems very possible by our last accounts that the French may have given you some occupation.⁴

Windham reached the head-quarters of the duke of York on 3 September.⁵ The proposal of the government, to which the king

³ Add. MS. 37844, fo. 30.

⁴ *Ibid.* fo. 32.

⁵ Windham, *Diary*, p. 316.

had accorded a reluctant assent, elicited the following manly letter from the duke to his majesty :

Head Quarters at Berleken, September 4, 1794.

Sir,

I take the advantage of Mr. Wyndham's messenger to address your majesty on the subject of the communication which he has made to me this day, in the name of your majesty's ministers, of the intention to propose to his imperial majesty that the Marquess Cornwallis should be appointed with the local rank of field marshal to the supreme command of the allied forces in Flanders. I should feel myself exceedingly miserable indeed to think that a delicacy for me should hinder any measure from being adopted which might be thought conducive to the public good or to the better conducting of the war. I am at the same time thoroughly sensible of the Marquis Cornwallis's merit and am fully impressed with the gracious partiality which influenced your majesty last year in your appointment of me to the command of the troops in British pay in this country ; should it therefore be your majesty's intention to promote Lord Cornwallis to the command, I shall submit in silence, and shall comfort myself with the pleasing hope that during the time I have had the honour to command your majesty's army, I have been fortunate enough to conduct myself without discredit to your majesty's arms or dishonour to myself. To say that I shall not feel this as a severe blow would be to act contrary to my own character and to those principles of truth and sincerity from whence I trust I never can deviate.

I hope your majesty will not consider it as a mistaken pride or a want of zeal in me if I humbly ask your permission, in case of Lord Cornwallis's appointment, to retire to England. Were I to follow only my own wishes and the real love I have for my profession I should not hesitate in asking your majesty's leave to continue to serve as a volunteer, for it would be highly wrong and perfectly contrary to my professional honor if I was to submit to serve otherwise under an officer in your majesty's service junior to me in rank ; but I am convinced that my presence must be very unpleasant to Lord Cornwallis and might put him to difficulties which had for many reasons better be avoided. I shall wait with the greatest deference for your majesty's determination. With many prayers for your majesty's health and prosperity, I have, &c.,

FREDERICK.

The first letter, or letters, which Windham wrote to Pitt from Flanders, is missing. The following letter, from Windham to Pitt, was dated 7 August by mistake for 7 September :

Bois-le-duc, August 7, 1794.

Dear Sir,

I continue my correspondence on the same footing on which it has been begun, setting down without reserve whatever occurs at the moment, and giving, with my opinions, the reasons on which they are founded.

In my letter to Mr. Dundas I stated my apprehensions that both of the two services, for which a provision has hitherto been attempted, cannot be

carried on ; but that, either operations must be stopt here, or the expedition to which we have so long looked and which I have been urging so eagerly, must be given up. I have had this morning a full and fair discussion of the subject with the duke of Y[ork] ; and nobody, I must say, could deliver an opinion more candid and liberal, and more free from that partiality which a commander may be expected to feel in favour of the service with which he is immediately charged. He enters fully into the importance of the rival object, and assures me of a fact, which I had formerly misconceived and was not apprized of, even when I wrote the other day to Mr. Dundas, that he had always been persuaded of the importance of bringing forward the principle of taking France as an ally in her own quarrel. He was perfectly ready therefore to acquiesce, not only from duty but from inclination, should it be deemed expedient to stop all operations here, at the point where they now are. His representation went only to show that such must be the case if the change proposed, or any change, took place in the force now with him ; and that such and such inconveniences would on this side be the consequence of that measure. With respect to the necessity of closing the campaign here, he stated that nothing less than the force which he now had would be sufficient for the attainment of the objects which, if the campaign was continued, must be proposed. . . .

The whole question of attempting anything here, at least in the way now recommended rests upon the event of the attempt against Treves.* News of this may be expected in the course of a week or ten days and the duke of York wishes me to say that, till that arrives, H. R. H. is exceedingly sanguine as to the success of the attack on the French army, should he be allowed to make it, and in great measure also as to the event of the operations to be attempted afterwards. . . . Should the intelligence from Treves be that the attempt to recover it had failed, the prospect of any success in this quarter will then be so reduced, that it may be as well probably to abandon it altogether ; and in that case there will be nothing to stand in the way of the most extensive exertions elsewhere. In all events, and whatever be the course of proceedings for this year, a most important question will arise as to the system to be adopted for another campaign.

The accounts which I have heard here of the treachery of the Austrians, exceeding all that in our country we, happily, have any idea of, are such as to make one despair of any good to be done in conjunction with such allies. The great hope which the duke places on a hearty co-operation in the plan now intended, is founded on the circumstance of Clairfayt and Beaulieu, who are the persons to execute it, having all their property in Brabant !

[Windham then expresses the hope that perhaps Polish, Swiss, and French *émigrés* and Germans might form a subsidized force quite equal to the Austrian, if this is withdrawn.]

Pitt probably had not received Windham's letter of the 7th when he replied as follows in an unintelligibly hopeful tone

* i.e. by the Prussian army under Marshal Möllendorf then in the Palatinate, which was subsidized by England.

respecting the Belgian campaign. Lord Moira, under whom served Colonel Arthur Wellesley, was then in Belgium. He and his division had been destined for the expedition to Brittany or La Vendée. Earl Spencer and Mr. Thomas Grenville were still at Vienna endeavouring to induce Austria to exert herself in Belgium :

Pitt to Windham

Wimbledon, Wednesday, Sept' 10th, 1794.

The unfortunate loss of Valenciennes and Condé, and the opinion you appear to have of the little dependence to be placed on the exertions of Austria (in which our letters from Vienna concur) change much the situation of affairs since we parted. The suggestions which you state relative to the command, are such as to shake in some degree (coupled with the other circumstances) my opinion of the advantage of sending Lord Cornwallis; but how this may finally be arranged for next campaign, cannot now be determined. It must depend partly on what has passed at Vienna and on many other considerations. In the meantime there is no doubt that the duke of York's command must continue while the operations now in contemplation last. It is equally clear that the force destined to serve under Lord Moira can neither be withdrawn nor exchanged during the course of these operations. If the operations should be soon concluded, the exchange might still take place, but I incline to think that it would be too late for any attempt on the coast [of Brittany or Poitou]; and on the whole I am more and more inclined to the opinion that any attempt in that quarter (except sending in supplies) ought to be deferred till next spring, when it may be attempted with a very formidable force. The projected attack upon Antwerp, and the forward movement, is I think clearly right, if Clerfayt will enter into it heartily. From what is understood here of his instructions, compared with his letter to the duke of York, I cannot help having some doubt whether he will not find reasons for declining the attempt. Supposing them not to do so, my chief reason for thinking the measure useful is that a victory on our part will at least check the operations of the enemy, damp their spirits and raise those of our army.—I am not competent to judge how far it can enable our armies to take a position which they can improve, or which they can maintain for the winter. The beating the enemy (if there is a fair chance of it) is itself a great object (independent of consequences) in the present circumstances. If the consequence should be to dislodge them from Flanders, or to drive them beyond the Scheldt, it would be infinitely better. But I cannot help fearing that it will be very doubtful whether we can take secure winter quarters in Flanders. Our situation was not thought good last year, even when we had Valenciennes and Condé. I do not mention this as a reason against the attempt, which it certainly is not, provided there is a good chance of immediate success. But I wish it to be considered beforehand, whether in case of success, a safe position for winter quarters can be established, except under cover of the Dutch fortresses.

The manner in which the duke of York has treated these discussions

certainly does him infinite credit. The king has sent me a letter from H. R. H., which has struck me very much, both from its manliness and liberality.—In my own mind, I consider the expedition to the coast as over for this year, except for the purpose of supplies.—We have sent to our friend Tintiniac⁷ and shall probably send him over immediately to explain why nothing can be done now and to say that much will be done hereafter.

If Lord Spencer has not closed already on the terms we proposed, I think our plan will now be to give no subsidy either to Austria or Prussia, but to employ £2,000,000 in getting troops where we can. Poland is so distant, that even if measures are taken immediately *and quickly*, I doubt whether we can have the use of them early next campaign. But you will have the means of collecting much useful information on these points, and it will be very material to ascertain as far as possible, what subsidised force can be obtained exclusive of Austria and Prussia.

I hope you will be enabled to send us an account particularly of what is the plan for winter quarters in Flanders. Till the attack on Antwerp is over, I reckon we have no chance of seeing you, and I am sure you will be of infinite use while you remain where you are.⁸

The hopes of Pitt as to the recovery of Antwerp and the retrieving the campaign in Belgium proved to be unfounded; and for reasons which need not be stated here, the proposal to substitute Lord Cornwallis for the duke of York fell to the ground. Windham, in his next letter, dated Grave, 16 September 1794, describes the retrograde movement of the duke of York to that place as unavoidable in view of the conduct of the Austrians. The recovery of the line of the Scheldt is now impossible. The Dutch are behaving very badly, their 'brutish insensibility and base selfishness' throwing the burden entirely on their protectors. Hence several collapses, especially at Hys. He hopes that the course of events may induce the duke of York to concur in the proposed expedition to the coast of France. On the same day he wrote the following confidential criticism of the duke of York:

Windham to Pitt

Most Private.

Grave, Sept^r 16, 1794.

... Let me give you, therefore, freely but confidentially my opinion, that the operations of this army will, I fear, never go on well, while the present commander remains at the head of it. This is my present opinion, nor do I foresee any probability of change. It is, I am sure, so true at present, as to make me bless myself at our escape from our late difficulties, and to alter my whole view of what it may be proper to do in the remaining part of the campaign. It is from this latter consideration, that I think it right, not only that you should know my opinion, but that you should know it immediately. The reasons of it may come afterwards. The first of them is, that the army certainly has not that opinion of the D. of Y.

⁷ One of the Breton leaders.

⁸ Add. MS. 37844, fo. 34.

as to act under him with confidence. Though the licentiousness of one class of officers is kept within somewhat better bounds; though the unpopularity of the duke is abated; though his virtues and his other amicable qualities are gradually making their way, yet confidence is not felt in his capacity to conduct an army⁹; nor can I fairly say, that, judging less from the merits of the cases than from collateral circumstances, I think it likely that it should be so. The consequences are in the meantime most pernicious and show themselves in ways not immediately obvious. But the great consequence is the effect which this feeling in the army may have in circumstances such as those which we have lately been in; and the force of this is so great, joined to a chance always that the feeling may be well founded, and to more than a chance that it is well founded to a certain degree, that I must confess I still tremble for every step, which they will have to make when left to their own direction.

What remedy is to be applied in this state of things, I cannot undertake to point out. I show you the difficulty but can say but little as to the way out of it. To remove the duke at this instant, would certainly be cruel; for it would appear to be in consequence of a step right in itself, and in which he yielded more to the opinions of others, than followed his own.—The king too is delighted with his decision respecting the question of Lord C[ornwallis] and will consider the whole as a manœuvre to get rid of the duke, which not having succeeded by stratagem, must now be effected by force. I stick, however, to my opinion, that some great change must be made, or the army will be undone, and our affairs in this quarter never succeed, but by what may be considered as chance.—A thoroughly able man, such as the Austrians chuse for their quarter masters general, might set all right; but where is such a one in our service to be found? I do not now think that even the plan, which I caught at so eagerly, of the arch duke commanding the whole, would by any means answer all the purpose. The evil lies as much as in any thing, in the domestick economy, and discipline of this particular army.—What therefore is to be done, I do not know.—As a preliminary step, having in the first place the recommendation of justice, and being calculated afterwards to reconcile to the duke's mind and to the king's, whatever measure of change may, now or hereafter, be adopted, no symptom of disapprobation should appear, or be suspected, of the last movement; but on the contrary the clearest approbation be expressed of it; at least (which is all that I am intent upon), the clearest acquittal of the duke. I am doubly bound to say this, as I certainly took all pains to make him adopt that resolution; nor could such censure be countenanced by any of those persons about him, whom I had an opportunity of consulting.—Perhaps when every idea of censure or dissatisfaction was removed, the offer of some principal situation at home connected with military service, and including great patronage, which no one would discharge more uprightly and ably (I mean distinctly commander in chief, or master general of the ordnance, or both together) might serve to reconcile the loss of the command of the army here; and would be an arrangement good in my opinion, both in the offices which it gave, as well as in those which it took away. If by

⁹ See Windham, *Diary*, p. 318.

adding the ordnance to the situation of commander in chief, under some general denomination, or half a dozen offices besides, the removal might be effected for this campaign, supposing that much is to be done in it, I should think the advantage of the change cheaply purchased. If from the answer of Clerfayt, in your decisions at home, the campaign is likely soon to end, or not to be very critical, it may be better to let it run out, as it is.

With respect to what I said at the beginning, of the confidence in which this is written, I shall leave it to your discretion to whom you may wish to communicate the contents, observing only as I have already done, that I should be sorry to be known as the author of the advice, though I shall certainly never dissemble the opinion. Should the measure be taken, I shall not fail to have my full share in the resentment which it may possibly excite in one quarter, and what I shall feel more sensibly in the emotions of wounded kindness, which it may produce in another. All however must give way before the considerations, which ought to govern on such an occasion.—Should Mr Dundas be among the persons to whom you may communicate what I have mentioned, he will not take it ill if I suggest the expediency of a little more guard, than his general frankness sometimes suffers him to observe.¹⁰

Windham's proposal respecting the duke of York was that which Pitt finally adopted in the month of November. The former of the following letters was written before the arrival of Windham's 'most private' dispatch. It will be seen that Pitt was far from feeling the complete confidence in his own judgement on military affairs of which he has been accused. On the contrary, he consulted the advice of an experienced soldier, Lord Mulgrave, who had for a time commanded the allied troops at Toulon :

Pitt to Windham

Private.

Downing Street, Friday, Sept. 19th, 1794.

We have received thro' the Hague this morning, a short account without any particulars, stating that the duke of York had found it necessary, on the approach of the enemy in great force, to quit his position, and retreat across the Meuse near *Grave*. I have no doubt that the measure was rendered unavoidable ; but its consequences, if no forward movement can be resumed, must I fear expose all the Dutch fortresses from Bergenopzoom to Bois le duc to be successively invested and probably taken. I much fear some of them are necessarily left with inadequate garrisons and all insufficiently supplied.

Your attention will I am sure be immediately directed to the means of calling forth every possible resource for checking if possible the progress of the calamity which seems to threaten us. The first question that occurs is whether it is yet possible to form any effectual concert with the Austrian army, which will be adhered to and acted upon for the remainder of this campaign ; and whether on that supposition a joint movement may be made in order to dislodge the enemy before they can succeed in

¹⁰ Add. MS. 37844, ff. 44, &c.

making themselves masters of any of the fortresses. The next question is whether it is possible, on the near approach of danger to awaken the Dutch to the absolute necessity of exerting themselves for their own preservation. Their means of defence at their own doors, if they will call them forth, must be great.—We shall undoubtedly instruct Lord St Helens to urge the Dutch government to every possible exertion. You may be better able to point out to what particular objects it is most essential that their exertions should be applied, and I should think a representation from the duke of York (seconded if possible by the hereditary prince) stating in its full force the urgency of the crisis, and pointing out whatever specific modes of defence occur, as most likely to be effectual, may have great weight with the Dutch government. I write hastily the first ideas which occur to me, and shall wait with anxious impatience for further accounts of what has passed, and what is still to be expected.¹¹

Pitt to Windham

Private.

Downing Street, Sept. 21, 1794.

The messenger arrived this afternoon with the duke's dispatches of the 17th and with your two letters of the 16th. You will easily conceive how much their contents add to the embarrassment of a situation, before sufficiently discouraging. It is however one of the peculiarities of that situation, that there is no sense of difficulty which it does not oblige us to encounter. With respect to the events which are public, I have very little doubt from the considerations you have mentioned, of the propriety and necessity of the retreat. Even if I thought otherwise, I should consider it as one of those measures, which persons not on the spot, are not at liberty to criticise; and I have had no hesitation (in the absence of Mr Dundas who has left his pen in my hands) in sending a dispatch to the duke of York in terms of express approbation.—With respect to what is to follow, I own it is quite as much as I expect if we can succeed in maintaining in the first instance our own position and that of the Austrians, and in putting ourselves and them in a state to move as circumstances may require, for the actual protection of the Dutch frontier. It would however be impossible to think of sending any decisive instructions from hence, at least till we hear what has passed with General Clerfayt. I distrust extremely any ideas of my own on military subjects; but on the very superficial grounds, on which I can proceed, I confess I am inclined to fear that the length of river which the duke has to guard is more than his force will be equal to, if the enemy turn their chief attention to forcing a passage. However with this impression, and from observing the doubts, which you mention the duke of York himself to entertain on this subject, I have thought it best to insert a paragraph in the dispatch which may strengthen his hands in enforcing any demand of reinforcement which he may on due consideration find it necessary to make on General Clerfayt.

There is another alternative to which I have also pointed very generally in the dispatch, but which I suggest for your consideration, with a degree less of diffidence, because it was in part suggested to me by a conversation

¹¹ Add. MS. 37844, fo. 52.

which I had yesterday with Mulgrave. He seemed to think that possibly one object in crossing the Meuse (of which we had then had only a general account from the Hague) might be to concenter our force with the Austrians, in order the better to ensure their compleating the operations at Treves and securing the left of their army. That altho' this might leave the fortresses on the Dutch frontier more exposed for a time, it would be impossible, considering the inundations, for the enemy to make immediately any serious impression, supposing them to be tolerably garrisoned and supplied; and that after compleating the business on the side of Treves, a concerted movement might be made in greater force and with more security by the Austrian force in conjunction with ours, in time to relieve the fortresses, and perhaps to attack the enemy, when their operations had proceeded just far enough to entangle them in additional difficulties. I am not sure whether I state his idea correctly, but this is what arose in my mind from conversing with him. If it is worth thinking of at all, the whole would depend upon the certainty of the fortresses holding out for a given time, of the operations at Treves being compleated in that interval, and of the subsequent movement being conducted vigorously and with a hearty concert. Independent of these conditions there may be a thousand objections which put the thing absolutely out of the question; but the worst which will then have happened is the giving you the trouble of reading these useless pages.

I come now to your private letter, on which however I will not venture to say much, because I think it will not be possible to take any final decision on the subject till after seeing you, and because in the uncertainty, whether you may not have proceeded to Helvoet, I do not like to run any unnecessary risk from the letter falling into other hands.—I feel in its fullest extent the sacrifice you make to public duty, as well as the unreserved confidence you have been so good as to place in me.

The subject is *every way* so full of difficulties that I hardly know what opinion to incline to. Perhaps if Abercromby could be taken *voluntarily* into *real and full confidence*, it would give the best chance for the remainder of this campaign, which I think must be an important period, because the enemy will probably be active if we are not. But if this idea does not arise almost spontaneously I hardly know how it can be suggested without losing its best chance of success. A total change, even if we could make up our minds to it, I believe impracticable at this moment, because the only person whom we could think of as a successor, would not, I am convinced, accept under such circumstances. For another campaign perhaps the course of events might of itself point to employing so much of the British force in other quarters, as to leave only a less considerable auxiliary army in Flanders, and so avoid the difficulty. To this, however, there are obvious objections from the impression in Holland and the want of reliance on Austria. I feel that I am saying more on the subject than I intended to do, and yet I am only stating difficulties without making any progress towards a solution of them.

I have as yet communicated your letter only to the duke of Portland, who was with me when I received it, and with whom I am persuaded its

contents are safe. I shall venture to send it to Dundas (who is for a few days at Walmer) with whom your caution at the end will I am sure have its full effect. And I know that I may mention it with the most absolute safety to Grenville whose opinion I shall be very anxious to know. The duke of Portland was as unable as myself to find any satisfactory way out of the difficulty. We both agreed in the opinion that it would be very desirable to see you as soon as possible. From the absence of my brother and Sir C. Middleton,¹² I have not been able to ascertain with positive certainty what measures have been taken to secure a frigate for you at Helvoet, but I think it is pretty clear that the *Jason* must be there before this time. I shall know however with certainty tomorrow, and will take care that one shall be provided immediately if it has not been done already.¹³

The following letters need no explanation except that the reference in Pitt's letter of 23 September to favourable accounts from Brittany was due to the arrival of the comte de Puisaye, the leader of the Quiberon expedition of 1795 :

Windham to Pitt

Most private.

Head Quarters near Kranenburgh, Sept. 21, 1794.

You may be tolerably secure of not receiving a long letter from me tonight, if I would not run the risk of writing part of it in my sleep. I have only to say, that I think the duke is not unprepared to acquiesce in his recall at any moment, provided such a reception could be ready for him as I hinted in my last letter, and that no idea should be conveyed of dissatisfaction at his conduct during his command. I am not quite sure whether what he said in this respect, related to the measure of Lord Cornwallis being appointed to the command of the whole agreeably to the first proposal ; or to his being appointed to the command of the British (or troops in British pay) only—and I did not think it expedient, in the instant, to press for an explanation. But I believe it would in the event prove true of either. I rather think that if the duke were recalled at this moment to be appointed to the situation which I have suggested, and that every possible pains were taken, as they ought to be, to obviate every idea of imputation upon him for any failure in the campaign, that his recall might be effected, without pain to his feelings and without injury to his reputation.

At the same time I don't say that the measure would be desirable if the army was not at this moment in the most difficult situation. You will receive from the duke an account of the last news from General Clairfayt. On every supposition of what may happen in consequence, nice operations may be necessary, and an action possibly take place. I cannot dissemble my opinion, that I should think the army in either of these cases safer under the conduct of Lord Cornw[allis] than under the duke—though the duke is exerting himself with great activity, and very considerable address : though his conduct has been hitherto very judicious,

¹² Sir Charles Middleton (afterwards Lord Barham) was secretary to the admiralty.

¹³ Add. MS. 37844, fo. 60.

and his views perfectly just, he has failed, by some means or other, of obtaining the confidence of the army, and I tremble for the effect, which in critical circumstances, the want of that confidence may produce. . . .¹⁴

Pitt to Windham

Private.

Downing Street, Sept. 23, 1794.

Since I wrote to you on the 21st in answer to your letters of the 16th I have received yours of the 19th, but so near the departure of the messenger, that I have not time to say much. . . . Tho' I see great difficulties in the arrangement you suggest as to the home command, it may be well worth trying. . . . Of that we will talk when we meet. The weeks that remain of this years service must be inexpressibly anxious. It will be no small satisfaction to you in the midst of unprosperous events elsewhere, to hear that we have accounts from Brittany which altho' I do not place an entire reliance upon them, certainly promise favorably. I think well enough of them to consider it, as still possible *that we may yet do something this year on the coast*, the hopes of which I confess I had nearly abandoned. This hint will be sufficient if it finds you still at the army to do all you can that 6 or 7,000 men may be ready to be withdrawn whenever we call for them. I think there is some mistake in the representations made to you about ordnance drivers, but I do not venture to speak on a general recollection. I will enquire about it immediately.¹⁵

Windham to Pitt

Sept. 23 [1794]. Head Quarters.

I have little to say by the present messenger but that, Mr. Pelham being arrived, we shall set off tomorrow morning, and proceed to England with no longer delay probably than that of passing an evening with Lord St. Helens at the Hague. . . . Let me add only, that if you should think it of importance to change the command of the army before the close of the campaign, the choice of this moment, and the appointment to the situation of commander-in-chief would, I am warranted to say, make everything go very smoothly. Other ways may perhaps be thought of, could Lord C[ornwallis] be contented to take the command of the British, leaving the duke to have the (nominal) command of the whole. But of this we may talk more when I have the pleasure of seeing you.

Pitt to Windham

Private.

Downing Street, Sept. 25, 1794.

As in your letter of the 21st which I received this morning, you do not say when you should quit head-quarters, I take the chance of a letter still finding you there or at least meeting you in Holland. The account of the last Austrian retreat in addition to all the other circumstances which were before us, seems to press for an almost instant decision. Whatever is the further plan of this campaign, I am clear, and all whom I could consult on such a subject agree with me, that we must change as soon as

¹⁴ Add. MS. 37844, fo. 66.

¹⁵ *Ibid.* fo. 68.

we can the command of our army in Flanders, taking care to do it with every possible attention to the duke of York, and to avoid any imputation on his retreat. That point I hope is secured already. The next question is whether, supposing the duke of York to quit, Lord Cornwallis can be induced to take the command. This is at least doubtful, but I think it will be possible to ascertain that point before I can hear from you again. I cannot, on various accounts, undertake to say positively that we could open the situation of commander in chief here for the duke of York. That and the master general of the ordnance can never, I think, be joined in one person, supposing we could vacate both without difficulty.¹⁶ I am not sure, however, how far the king would like a prince of the blood (*even* the duke of York) at the head of the army at home. And I own I am not without an apprehension how far any one who has commanded an army abroad, can make it his chief object at home to assist in bringing forward troops to be sent under the command of his successor.

The mode of stating to the king the necessity of recalling the duke of York is one of the points on which I have thought a great deal. I am persuaded, there is no way of doing it so good, as letting him see it exactly as it has arisen. It would be impossible to state it to him under the cover of general circumstances, without his guessing that the representation came from you; and if he does not know the whole, he will fancy every sort of intrigue, the reverse of the truth. I wish therefore your permission to send to the king your letters on the subject. The manner in which they are written will best prove the sincerity and fairness of the whole transaction. They will shew that they were not written in order to be shewn, and they will shew too, in a way which must strike the king's mind, the attachment to the duke of York, which mixes itself so strongly with what you feel necessary for the public service. I feel nevertheless that this is proposing to you to have your name brought before the king in a way that is not pleasing. I scruple it the less because I must take at least my share with you in so unpleasant a task, and because I am sure he is as much interested in the grounds which lead to the measure as we are. As you probably could have no copies of your letters on this subject, and may wish to look at them again before you give me an answer, I send them enclosed. I must however say that I think no *second thoughts* could render them more adapted to the purpose than they are at present.

It seems a little unreasonable to multiply disagreeable commissions; but I believe there is nothing will want a recommendation to your mind which can be of use in the present crisis. Nothing I believe could be so useful, as your going, for as many days as you can spare, when you leave head quarters, to the Hague, in order to try whether courage or shame or fear can be enough roused among the Dutch to give themselves and us some benefit from their exertions. Even our ambassador Lord St Helens, tho' sensible and full of many good qualities, is not made to animate a sleeping country, and would be the better for being a little electrified. It is impossible but that Holland could still do much, and, knowing all the points where their efforts can be directed in the present moment, you can I am sure be of more use than any one. I believe you know Lord

¹⁶ Lord Cornwallis was then master of the ordnance.

St Helens who will be most thankful for your assistance. Lord Grenville writes to him to prepare him for your stopping in your way thro' the Hague, in order to assist in concerting what may be necessary in the present crisis. To shew you how things stand with Holland, I enclose a copy of the dispatch which Lord Grenville writes to night to Lord St Helens. The duke of Portland is writing to General Bentinck to enforce the same sort of language in a less official way.

As to the plan for the rest of the campaign, little can be said till one knows who are to be generals, and what may be expected from [the] allies. But I still cannot persuade myself that it is possible for such a place as Maestricht to be taken in the presence of 140,000 men, of the best troops in Europe. Perhaps if vigor could at last be given to the combined armies, the attempt on the part of the enemy might lead to good. On the side of Brittany there seems an opening which has the peculiar advantage belonging to it (if it turns out as stated) that it need not be made use of till nearly the close of active operations in Flanders. I am not quite sure that the accounts can be relied on, but if they can, they are favorable enough to give more than a gleam of hope, even under the succession of bad news from Flanders.¹⁷

On 30 September 1794, just before embarking for England, Windham wrote to Pitt suggesting that the resignation of the duke of York could take place with less difficulty if he held a command nearly equal to his present one. For instance, while Lord Cornwallis, as commander-in-chief, placed his head-quarters in the centre of the British force, the duke might have a staff, partly composed of foreigners, and a force including the Guards, the Hessians, and some Austrians. This would reconcile his royal highness to the proposed change.

Pitt to Windham

Private.

Downing Street, Sunday, 3 p.m. [Oct. 12, 1794.]

I return without loss of time the letter which you have been so good to entrust to me; and whatever may be the result, I trust I shall never forget how much we all owe to your zeal, candour, and friendship.—On the general subject I know not how to add anything to what I have said already. An explanation such as you desire of the change proposed can alone enable us to judge whether there is any solution for that part of the difficulty. If there is, I cannot but persuade myself that Lord Mansfield will not wish his pretensions to lead to such consequences as those in question. Should the extremity arise, I feel with inexpressible anxiety the difficulties which may embarrass your decision. But I am sure it will be governed by a real sense of duty, and that, at such a moment, must I think bind you not to aggravate a misfortune which you have done so much to avert.

I enclose a letter which I have just received from the king, which is as satisfactory as possible. I will trouble you to return it. I shall be in town all day.¹⁸

¹⁷ Add. MS. 37844, fo. 70.

¹⁸ *Ibid.* fo. 76.

The next letters between Pitt and Windham, referring to the Fitzwilliam dispute, have been published by Earl Stanhope, and may be omitted. Owing to various causes no decided step was taken by the cabinet respecting the resignation of the duke of York; and the campaign in the Netherlands dragged on in the most unfortunate way. The efforts of Windham and Lord St. Helens failed to infuse spirit into the Dutch, large numbers of whom were disaffected to the Orange régime upheld by Prussia and England since the year 1787. This cause, far more than 'tameness', or the plundering habits of the British troops and the French *émigrés*, accounts for the discreditable collapse of the defence in Holland. Finally, when matters were almost at their worst, the cabinet determined to recall the duke outright; and Pitt on 23 November wrote to the king what was probably the longest letter of his life¹⁹ urging the necessity, for the sake of the duke's reputation, of recalling him at once. To this the king most reluctantly assented; and thus, owing to the disastrous delays of that autumn, a step which might have been taken without odium in September took place in December in a manner exasperating to all concerned. The delay may reasonably be ascribed to difficulties on points of detail raised against the first proposal by the king, Lord Cornwallis, and the court of Vienna; but it was also due to the timidity and vacillation of Pitt and his colleagues. Had they not been buoyed up with false hopes in September, they would have recalled all or the greater part of the British force in time to effect something considerable in Brittany or Poitou. By hanging on in the Netherlands they let slip a good opportunity for action in a more favourable quarter; but in their defence it may be urged that the treacherous inaction of the German powers and the apathy of the Dutch in their own defence set at defiance all reasonable forecasts.

Windham's hopes now centred solely in the French expedition; and he was the life and soul of the arrangements for enrolling a force of *émigrés* in British pay. On 8 October 1794 Burke wrote commending him for his efforts in forming the corps of Comte d'Hector, consisting largely of royalist officers and gunners from Toulon, which finally did good service at Quiberon. On 7 January 1795 Burke again wrote congratulating him on his manly refutation in parliament of

the foolish declamation and low calumnies against you. . . . You have hit the true method of defence. I think Sheridan must have sunk under it; but do not think that he will not rise again and try his old arts. That he will most assuredly. . . . Pray stick to the method of detecting the low policy and stratagems which characterize Sheridanism.

¹⁹ Rose, *Pitt and Napoleon; Essays and Letters*, pp. 230-3.

Again, a few days later, he wrote to Windham—‘Sampson ! the Philistines be upon thee.’ He urged a firm and manly treatment of a hostile petition from Norwich, namely, by an assertion that we would never make peace during the Jacobin supremacy in France. He mourns the final loss of Holland, news of which had just arrived. On 6 March he stated that he had conferred with Grattan and Forbes respecting the proposed catholic colleges and the protestant schools. He found his views coincide with theirs ; but, he added, with respect to the officials at Dublin castle :

Cooke, Lees, Hamilton, and Griffiths, will be better heard than we on this subject or on any subject. I have long groaned at seeing that great kingdom delivered over to such hands. God bless you ever.

P.S. I have had in two days four hours’ conversation with Mr. Dundas, who heard me with a great deal of kindness and good temper. I am sure that what I said to him (which is said to Mr. Pitt thro’ him) was founded [on] a just observation of facts and upon no grossly misunderstood principles of policy, tho’ coming through the most imperfect organ in the world. I am sure it pointed to the security of Mr. Pitt’s power, to which there is not a man in this kingdom more inclined than myself. This I know, that if he makes it the principle of his administration not to *gain* men but to ruin those who, being aggregated to him, seem to deviate from the exact path he prescribes, and if he goes on (at the advice of the stupidest and most interested of mankind) to construe every equivocal appearance, owing to temper, negligence, and unskilful management, into overt acts of a settled design to subvert his power, he will thus *himself* subvert that power. You are never hereafter to look for strength by *junction*, except here and there a scattered individual : for everyone you gain you lose two. I have said much, and my postscript is longer than my letter ; but there is an Iliad of woes approaching.

Burke here referred to Pitt’s conduct in the unhappy dispute with Earl Fitzwilliam respecting Irish policy. He did not know Pitt’s side of that case, and his judgements are unfair, especially in accusing him of compassing the downfall (at the instigation of Dundas) of any one who seemed inclined to dispute his authority. We cannot but sympathize with him in his bitter remark to a friend (perhaps Mrs. Crewe) about this time, that all his efforts for the reconciliation of parties had proved to be means of contention. The end of the Warren Hastings trial by the action of the lords also incensed him.

Well ! [he concludes] they all amaze me : princes, dukes, marquises, chancellors of the exchequer, secretaries of state. My heart is sick ; my stomach turns ; my head grows dizzy. The world seems to me to reel and stagger. The crimes of democracy and the madness and folly of aristocracy alike frighten and confound me. The only refuge is in God who sees thro’ all these mazes. Adieu ! God bless you ever.

It is impossible here to review the causes of the failures at Quiberon and the Île d'Yeu which ruined the royalist cause in the west of France. They redoubled the indignation of Burke, which burst forth anew when Pitt made overtures for peace to the regicides. The triumphs of Bonaparte in Italy, the declaration of war by Spain, the dispatch of our last corps of *émigrés* to Portugal under that able but quarrelsome officer, General Stuart, drew from him wails of despair. On 1 August 1796, while at Bath, he wrote to Windham: 'Are we of the stuff of those who, with Hannibal in the bowels of Italy, would think of transporting the gross of our [their?] strength to Africk and to Spain?' On 25 November, after the evacuation of Corsica, he burst out:

We have abandoned Italy politically, commercially, morally. Spain is become our enemy. Our negotiation at Paris will serve no purpose but to discover the limits of what it is we propose for the emperor—for the accommodation of the regicides (much abler politicians than we are) in their scheme of opening a separate treaty with him; and now our last hold on the continent [Portugal] General Stuart is to secure it to us. It is all over. No experience of the fatal effect of jobs will hinder jobbers from jobbing to the last.

On Christmas day he refers savagely to the failure of Lord Malmesbury's negotiation with France—'This mongrel has been whipped back to the kennel yelping and with his tail between his legs.' Finally, the reiterated refusals of Pitt to help the last efforts of the French royalists, together with the outbreak of mutiny in the fleet at Spithead, wrung from him these words (26 April 1797):

Our only hope is in a submission to the enemy by taking up the principles of that enemy at home and by submitting to any terms which the directing body of that enemy abroad shall think fit to prescribe. If they demand Portsmouth as a cautionary town, it will be yielded to them; and, as to our navy, that has already perished, with its discipline, for ever. . . . What cure for all this? What but in that spirit

'which might create a soul
Under the ribs of Death.'

Three months later Burke expired at Beaconsfield in circumstances of unrelieved gloom. The star of Bonaparte was in the ascendant, while the day of Nelson and Wellesley had not fully dawned. A 'regicide peace' was again being discussed at Paris; and Burke could not forecast the rise of a national spirit, which was due in part to the inspiring influence of Pitt, but also to the insolent rejection of his reasonable offers by the French Directory.

J. HOLLAND ROSE.

Notes and Documents

Valens as a Title

IN a paper on *Rome and Armenia in the Fourth Century*¹ I hazarded the suggestion that Faustus, in his history of Armenia, had used the name Valens in the sense of Caesar, and that this title according to the context really referred to Constantius, Julian, or the true Valens. This in itself seemed so unlikely a confusion that I am glad to find that it is probably not without a parallel. In the Syriac life of the Nestorian patriarch Jabalaha III (or perhaps II Duval²), who accompanied the monk Şaumâ when the latter was dispatched to Rome from China by Il-Chân Argûn in 1287,³ we read that from the shore of the Black Sea the patriarch sailed to Byzantium, where he was received by the king, BSLIWS. Chabot, in his translation,⁴ writes, 'Il a pris le titre de βασιλεύς pour le nom du prince.' On this, however, Vollers⁵ remarks, 'Bei dieser Annahme muss das I im Namen auffallen. Könnte man nicht annehmen, dass der Name des überragenden Basilios des Bulgarentöters in Vorderasien zum "Byzantinerkaiser" verallgemeinert ist, wie Kisrâ-Chosrau zum Perserkönig und Kaisar-Caesar zum Römerkaiser?' This I believe to be the true explanation, and if this is so the passage lends some support to the suggested use of the name Valens in the history of Faustus.

NORMAN H. BAYNES.

Burgundian Notes

III.¹ THE UNION OF THE TWO KINGDOMS OF BURGUNDY

HISTORIANS are agreed that about the year 933 a treaty was made between two Burgundian rivals for the crown of Lombardy, which resulted in the kingdom of Lower Burgundy, or Provence, becoming joined to that of Upper or Jurane Burgundy. The

¹ *Ante*, xxv. (1910) 625-43.

² *Journ. Asiat.* (1889).

³ *Ante*, xiv. (1899) 299-318.

⁴ *Histoire de Mar Jabalaha III et du moine Şauma* (Paris, 1895), p. 55, n. 1.

⁵ *Byz. Zeitschr.*, vi. (1897) 592, n. 7.

¹ The preceding notes appeared in vol. xxvi. 310 and xxvii. 299.

antecedents of this event are also undisputed. In 922 Rodulf II, king of Upper Burgundy, by invitation of the Italians or of a party among them (as is asserted with regard to almost all the transalpine invaders of the ninth and tenth centuries), entered Lombardy and in the next year defeated the Emperor Berengar. In 924 he went back to Burgundy, and during his absence Hugh of Arles, marquess of Vienne and duke of Provence, on his part, invaded Lombardy, but soon retired. Meanwhile, the murder of Berengar on 7 April in that year furnished an opportunity for Rodulf to repeat his attempt, and he was generally acknowledged as Berengar's successor. Dissension, however, soon arose, and a party called upon Hugh of Arles to accept the throne. Hugh took ship for Pisa, and in July 926 was crowned at Pavia: ² Rodulf had before this withdrawn towards his native kingdom; he was at Carona ³ near the lake of Lugano, presumably on his way home, in the preceding June. Nothing is recorded of any further doings of Rodulf in Italy until about 933—the year is conjectural—when, according to Liudprand, ⁴ ‘the Italians’ sent to Burgundy to fetch him back: ‘quod rex Hugo ut agnovit, nuntiis ad eundem directis, omnem terram quam in Gallia ante regni susceptionem tenuit Rodulfo dedit atque ab eo iusiurandum ne aliquando in Italiam veniret accepit.’ The statement rests on the sole authority of Liudprand, who wrote a quarter of a century later; but few periods are so lacking in contemporary historical narratives as the first forty years of the tenth century, and we are left to piece out the details from charters.

Liudprand asserts, then, that Hugh purchased security from attack in Italy by the surrender of the land which he held in Burgundy before he was made king of the Lombards. But what this cession actually meant is not so clear. It is certain that Hugh did not hand over his own landed possessions, ⁵ and the common opinion has been that he ceded to Rodulf the kingdom of Lower Burgundy, so that thenceforward the two Burgundian kingdoms were united. This view, though we believe it to be substantially correct, is confronted by the obvious difficulty that the kingdom was not Hugh's to give. M. Poupardin thinks that he only sacrificed ‘his more or less real rights of sovereignty, perhaps claims to the inheritance of Lewis the Blind, and the royal domains which he had been able to seize after Lewis's death’; ⁶ and he infers that his claims could hardly have extended beyond Provence, the country of Grenoble, and the Alpine districts

² See for all this R. Poupardin, *Le Royaume de Bourgogne*, 1907, pp. 40–58.

³ ‘Prima Calauna,’ *Cod. diplom. Langobardiae*, 1873, dcix

⁴ *Antapodosis*, iii. 48.

⁵ See Poupardin, p. 59; Georges de Manteyer, *La Provence du premier au douzième siècle*, 1908, pp. 133 f. It is unnecessary for me to say how greatly I am indebted to the works of both these learned writers.

⁶ pp. 59, 193 f.

to the east. With regard to the western parts, the march or marquisate of Vienne, both M. Poupardin and M. de Manteyer hold that it was at that time in the possession of Rodulf, king of France. Here again our primary authority is that of a single writer, Flodoard, who lived far away at Rheims. But he was already a grown man at the time when the events which we have to examine occurred, and it is possible that he wrote the earlier part of his *Annals* before the middle of the century. Moreover, his situation at Rheims made him specially well acquainted with the concerns of Herbert, count of Vermandois, to whom he first refers in connexion with the Burgundian kingdom. It will be convenient to set out the relevant passages in the *Annals* :

928. . . . Deinde [Heribertus] cum Rodulfo [rege Franciae] proficiscitur in Burgundiam obviam Hugoni Italiae regi. Vindemiae pene peraguntur infra mensem Augusti. Hugo rex, habens colloquium cum Rodulfo, dedit Heriberto comiti provinciam Viennensem, vice filii sui Odonis. . . .

931. Rodulfus rex Viennam profectus Karolo Constantino, Ludovici Orbi filio, qui eam tenebat, subiectionem pollicitante, revertitur. . . .

933. . . . Vienna Rodulfo regi, tradentibus eam his qui eam tenebant, deditur.

These notices tell us in brief that in 928 an arrangement was made whereby 'the province of Vienne' was handed over to Odo, son of Herbert of Vermandois ; but there is no evidence that this ever took effect.⁷ The Emperor Lewis's son Charles, whom Flodoard distinguishes as *Constantinus*⁸ and whom Richer⁹ states to have been a bastard, was in possession of the city of Vienne in 931, when he made allegiance for it to the French king.¹⁰ M. de Manteyer plausibly suggests that Rodulf's visit to Vienne meant the deprivation of Odo of Vermandois : it was the beginning of a campaign against his father.¹¹ Two years afterwards the city was surrendered to Rodulf. Now there is no doubt that Flodoard's meagre notes often imply a great deal more than they expressly record, and for this reason it is quite legitimate to argue from his mention of the French king's acquisition of Vienne in 933 that he retained it until his death in 936. On the other hand, just as Flodoard gives no hint of the illusory character of Odo of Vermandois's tenure of the province, so it is perfectly

⁷ Poupardin, *Le Royaume de Provence*, 1901, p. 227 ; *Le Royaume de Bourgogne*, p. 60.

⁸ See *ante*, xxvii. 308.

⁹ *Hist.* ii. 98.

¹⁰ Rodulf was at Anse on the road from Autun to Lyons on 21 June 931 : *Chartes de Cluny*, no. 396. But the year is not certain. Bouquet (*Recueil des Historiens de la France*, ix, 1757, 576), emends the indiction *iii* into *iu* and supposes the regnal year (*viii*) to be reckoned from a date anterior to his coronation on 13 July 923. M. Poupardin (*Le Royaume de Provence*, p. 235, n. 4) changes the indiction to *u* and makes the year 932.

¹¹ *La Provence*, p. 130.

possible that Rodulf's possession of the city was no less transient. At all events it was followed almost immediately by the treaty between Hugh and the Burgundian Rodulf, which appears to have paid no regard to any claims of the French king. The evidence for the latter's reign being recognized at Vienne depends upon the dating clauses in two private charters which mention *Radulfus rex Vienensis* and may equally well be understood to refer to his Burgundian namesake,¹² as was maintained by M. A. Breul, the editor of the Cluny charters.¹³ As either king *ex hypothesi* began his reign in Lower Burgundy in the same year, the record of date would suit either of the two theories ;¹⁴ but it is certain that when Lewis IV succeeded to the French throne he did not possess the Viennois : it was not until 941 that he went to Vienne and secured its submission, and only a year later he had to yield it up to Conrad the Peaceable, the son of Rodulf of Burgundy.

One wishes, however, to understand what was the reason of the meeting between Hugh of Italy and Rodulf of France in 928. It is contended that it was occasioned by the death of the ex-emperor Lewis in that year, probably at the beginning of June.¹⁵ M. Poupardin argues that Hugh could hardly have disposed of a territory of which he was not sovereign and which Count Charles had for some time governed under the authority of his father, unless that father was dead.¹⁶ But the brief record of the transaction does not state that it was not done with Lewis's approval, if such approval was in the circumstances likely to be asked. M. Poupardin lays stress on the haste of Hugh's return from Italy. He was at Ferrara on 12 March, and the meeting which took place with Rodulf of France in the duchy of Burgundy was in the early autumn.¹⁷ If Lewis died in June the dates

¹² The practice adopted by recent French historians of distinguishing the two cousins as Raoul and Rodolphe has its convenience, but it is destitute of contemporary authority.

¹³ The two charters dated *anno II regnante Radulfo rege Vienense* (understood to mean 935) are among the *Chartes de Cluny*, nos. 437, 439, where see the editor's notes : compare his paper in the *Bibl. de l'École des Chartes*, xli. (1880) 359 f. ; and on the other side W. Lippert, *Gesch. des westfränkischen Reichs unter König Rudolf*, 1885, p. 83 n., Manteyer, p. 132, and Lauer, *Robert I^{er} et Raoul de Bourgogne*, 1910, p. 69. It should be observed that a few years later Conrad the Peaceable is often mentioned as *rex Viennensis* : see the *Cartulaire de Saint-André-le-Bas*, ed. U. Chevalier, 1869, nos. 43, 57, 102, 116.

¹⁴ It may be noticed that the charters in which Rodulf of France styles himself king of the Burgundians are open to suspicion ; see Lippert, pp. 116 f.

¹⁵ M. de Manteyer, pp. 505f., gives cogent reasons for believing that Lewis's *depositio* or burial is that entered on 5 June in a Novalesse necrology, *Monum. Novalic. vetust.*, ed. C. Cipolla, 1898, i. 340.

¹⁶ *Le Royaume de Provence*, pp. 225 f.

¹⁷ Flodoard never uses 'Burgundia' except with reference to the duchy. M. Lauer, p. 54, erroneously states that the meeting was in November and at Vienne ; so too Lippert, p. 66.

would fit in excellently. It should, however, be observed that Hugh was still in Italy, at Pavia, on 1 May,¹⁸ and it may be questioned whether, if Lewis died early in June, there would be time for communications to take place from Burgundy both to France and Italy, and then between these two countries, so as to provide for a meeting in France in August. But this difficulty need not be pressed.

A more serious question arises as to the year in which the emperor died. When he returned from Italy to his Burgundian kingdom in 905, humiliated and blinded, though a young man of not much more than twenty years,¹⁹ he seems to have lived on as a ruler only in name. Documents in large numbers continued to be drawn up under his style and title, but the government was really in the hands of Hugh, the powerful marquess of Vienne and future king of Italy: the chancery worked independently of the sovereign. So little was known about the nominal ruler's doings that at a time not later than 920 a covenant preserved in a register at Arles²⁰ is dated 'in the year of the death of the emperor Lewis'. On the other hand, charters exist which mention his regnal years for some time after 928,²¹ and the first positive statement that he was *divae memoriae* occurs in a confirmation by Hugh and his son Lothair of a grant by him to the monastery of St. Mary Theodota at Pavia on 28 April 932.²² But even later than this the emperor's name continues to appear in private charters. If he died after the middle of February 932, scribes would take note that he had entered upon his thirty-second regnal year, and might retain the date—as in fact they did—as late as the following May²³ and July,²⁴ in ignorance that he had silently faded out of existence. Indeed, so shadowy was the unhappy man's life that a charter is found dated in his thirty-third year,²⁵ and another (an original) on 18 June 934 'anno xxxiiii regnante et imperante Hludovico filio Bosoni regis'.²⁶

If it be true that Lewis lived at least until the beginning of 932, it becomes impossible to accept the reconstruction of the

¹⁸ *Cod. diplom. Langob.*, dxxvi.

¹⁹ See Poupardin, *Le Royaume de Provence*, p. 143.

²⁰ Authentique du Chapitre, fo. 34 b., cited in Albanès and Chevalier, *Gallia Christiana novissima*, Arles, pp. 97 f., 1901.

²¹ Poupardin, *Le Royaume de Provence*, p. 227 and notes.

²² Muratori, *Antiquitates Italicae*, ii, 1739, 57-60. The dating of this document is precise.

²³ *Cartulaire de Saint-André-le-Bas*, no. 132.

²⁴ *Cartulaire de Saint-Barnard-de-Romans*, ed. Giraud, 1856, no. 147; the text of the charter is printed in the *Complément textuel du Cartulaire*, 1869, pp. 41 f.

²⁵ *Gallia Christ. noviss.*, Aiz, p. 42, 1895 (from a register).

²⁶ *Ibid.*, Marseilles, p. 46, 1899. The opinion, which was formerly held, that Lewis's regnal years were reckoned not from his coronation as emperor in 901 but from his acceptance as king in 890, would avoid some difficulties but is contradicted by others more formidable.

events of 928 which we owe to the ingenuity of M. de Manteyer. According to him Hugh of Italy was determined that the vacancy of the Burgundian throne on the death of Lewis should not be filled up. After his interview with Rodulf of France he proceeded to Vienne, where in November he confirmed the privileges of the abbey of Saint-Claude *nostra regali auctoritate*.²⁷ He had ceded the 'province' or march of Vienne to a nominee of the French king, but in Provence he would act independently. M. de Manteyer's argument is weakened by the fact that there exists a diploma (*nostrum regale preceptum*) granted by Hugh, also at Vienne, on 12 November in the same year to the church of St. Theoderius in that city, which contains a full chancery date in the royal style.²⁸ It looks rather as though, far from maintaining an interregnum, Hugh was resolved to occupy Lewis's place. Still less can it be admitted that the mentions of the regnal years of Lewis after 928 were definitely intended to mark an interregnum; we want some evidence of a reign being fictitiously continued for this purpose. The usual practice was to reckon the interval since the death of the late king (as *in anno secundo post obitum Bosoni regis*,²⁹ or *anno quo dominus Rodulfus migravit a seculo*³⁰), or sometimes to refer vaguely to the expectation of a king to come (*Deum imperantem, regem expectantem*³¹).

M. de Manteyer thinks that, when in 933 there was a chance that King Hugh would be embroiled with Rodulf of Burgundy in regard to the Italian crown, the French king took the opportunity to seize the throne of Lower Burgundy. Hugh thereupon, probably in 934,³² appeased his Burgundian rival by the cession of all the land which he held in Burgundy before he was king, that is, before 926. The agreement paid no regard to the treaty which he had made in 928 with Rodulf of France. Hugh ceded the duchy of Provence and the march of Vienne, which together formed the kingdom of Lower Burgundy; in other words, he allowed him to obtain the royal authority which, according to M. de Manteyer, had been vacant since the emperor's death in 928. From that time forth the rulers of the Upper Kingdom were rulers also of the Lower.

In dealing with one of the obscurest periods in medieval history, where the evidence is extremely meagre, there is room for differ-

²⁷ *La Provence*, p. 127, n. 1.

²⁸ *Recueil des Historiens de la France*, ix. 690 f. Both the documents cited contradict M. Poupardin's assertion (*Le Royaume de Provence*, p. 228, where he actually refers to this second charter in n. 4) that Hugh seems never to have used the title of king north of the Alps.

²⁹ *Chartes de Cluny*, no. 37.

³⁰ *Ibid.* nos. 445-7.

³¹ *Ibid.* no. 444 (in 936), cf. 448; 476 (in 937); and *Domino gubernante et rege expectante, Cart. de Saint-André-le-Bas*, no. 32 (in 1033 or later).

³² According to M. de Manteyer, pp. 134 f., between 18 July 934 and 1 August, 935.

ence of opinion. It appears to me that the date of the Emperor Lewis's death is so uncertain as to make it hazardous to build any hypothesis upon it. We have seen that he was mentioned as dead both in 920 and in 932, and that his regnal years are noted as late as 934. It may be suggested that King Hugh's action in 928 was determined by other considerations. In 927 Herbert of Vermandois had endeavoured to obtain the county of Laon from the French king for the benefit of his son Odo. Rodulf declined to grant it, and Herbert released King Charles the Simple from captivity and sought to restore him to the throne. Rodulf was in great difficulties, and more than once had to withdraw into the duchy of Burgundy. At length in 928 a settlement was arrived at whereby Charles the Simple was again placed in confinement. The removal of a dangerous rival, for Flodoard's narrative shows that Charles had been gaining ground, could only have been secured on terms; and Flodoard immediately afterwards mentions the meeting with Hugh of Italy which promised to Herbert's son Odo, disappointed of Laon, the province of Vienne. Why Hugh should have consented to this is not clear: he may have desired to displace Charles Constantinus, who represented an opposed party in the Lower Burgundian kingdom; or there may have been other risks against which he thought it prudent to guard himself. The friendship of France would be a protection against any attack on his position in Italy. But on these points, in the absence of materials, we can only surmise.

When, however, after 932 the emperor was certainly dead, Hugh was able to dispose of his inheritance independently. He transferred to Rodulf of Burgundy his great offices of marquess of Vienne and duke of Provence, so that his advance to the kingship of the land which was made up of these territories was an easy step. That no record exists of the acknowledgement of Rodulf by the nobles of the country is explained by the general dearth of evidence at the time. Hugh did not grant Rodulf the kingdom, but his cession made that acquisition natural and inevitable.

REGINALD L. POOLE.

An Alleged Son of King Harold Harefoot

SAINTE MARTHE printed in the year 1715 *ex cartul(ario) sive libro Mirabili Conchensis ecclesiae*, that is, the monastery of Sainte Foi at Conques (département of the Aveyron, arrondissement of Rodez) in Aquitaine, a document recording that an Englishman named Alboynus, who was born in London and was the son of Heroldus, king of England, and of Alveva, came during a pilgrimage into the county of Rouergue (*de Ruthenico*)

to a deserted village formerly dedicated to St. Peter, that he ascended a hill to the castle called Panade (Panad, in the commune of Clairvaux, arrondissement of Rodez), where he remained three days, and eventually persuaded the lords to rebuild the church, which was dedicated in 1060. He is spoken of in the document as prior of the newly-founded monastery.¹ The chartulary still exists, and has been printed by M. Gustave Desjardins, who has chosen this very document for the subject of the facsimile given in his text.² It is written, like the chartulary, in a very early twelfth-century hand.³ As it has escaped the notice of English historians, I print the commencement from Desjardins's text collated with the facsimile.

Igitur Alboynus Anglorum terrae, urbis Lundena hortus fuit; pater eius Heroldus rex fuit Anglorum terrae; mater eius nomine Alveva.⁴ Alboynus, homo nobilis et fidelissimus Christianus, pergit in peregrinatione in universum mundum propter amorem Domino Deo et Sancta Maria, matris Domini, et Sancto Petro et omnes apostolos Domini. Tunc venit in Galliis in comitatu de Ruthenico, et post haec advenit in unum vicum dispersum atque confractum, quod fuit ab holim locus dedicatus in honore Domini et Sancti Petri. Prosternens se in hoc loco,⁵ adoravit Dominum; et, completa oratione, assumpsit in montem ad Castello, qui dicitur Panade, et mansit ibi tres dies, et admonuit seniores de Panado et duos fratres, Hugone atque Rigualdo, seniores de Castello Cassanias,⁶ et Guarnerio fevoale⁷ illorum, et ait ad illos: 'Fratres karissimi, in ista vestra valle fuit ab holim ecclesia instructa atque dedicata⁸ in honore Sancti Petri Apostoli, et est dispersa. Reaedificate illa in honore Domino et Sancti Sepulchri et Sancti Petri et Sancti Thome Apostoli et Sancti Sicharii innocentis.' Ad illi dixerunt: 'Frater peregrinus, volumus aedificare monasterium de monachos in amore, quem tu dicis, si ad episcopum Petrum et a comitissa Richarda placet,' &c.

The document is ungrammatical, with Romance constructions, and generally reads like a piece of Merovingian Latinity. In the

¹ *Gallia Christiana*, i, Instrumenta, p. 49. The *Liber Mirabilis* is referred to in the text, col. 236.

² *Cartulaire de l'Abbaye de Conques en Rouergue*, no. 15, p. 19 ('Documents historiques publiés par la Société de l'École des Chartes,' Paris, 1879). At p. 21 n. the editor remarks that the chronological indications do not agree. The words, *ortus*, line 1, and *olim*, lines 7, 13, are 'corrected' to *hortus* and *holim* by the superscription over the initial vowel of the Greek half-eta sign of aspiration, of which Sir E. Maunde Thompson, *An Introduction to Greek and Latin Paleography*, p. 64, has noted instances from the ninth to the eleventh centuries. Late twelfth-century examples occur in the Cotton MS. Nero ii. 5, fo. 19, 21.

³ See Desjardins, p. xxiv. The latest document in it is dated 1110.

⁴ *Alvena*, Desjardins. The facsimile has correctly *Aluena*.

⁵ The compendium for *et*, which here occurs in *Gallia Christiana*, is erased imperfectly, according to the facsimile.

⁶ Cassagnes Comtaux.

⁷ 'Vassal', according to a Benedictine addition to Ducange from this very chartulary.

⁸ MS. *delicata*.

chartulary it is preceded by another instrument, dated 1062, in which the same events are related at greater length. In this we read "accidit, ut transmearet in has partes causa peregrinationis quidam nobilis homo, qui dicitur Albodenus,⁹ satus prosapia regum, veniens a finibus terrae Anglorum, peragrans atque circumiens sancta loca pro remedio animae suae".¹⁰

The name Alboynus can only represent Ælfwine, the English cognate of Albain.¹¹ Alveva is a sufficiently well-known Latinization of Ælfifu (or rather, to speak accurately, of the Anglian form Ælfgeofu). Two women of this name were intimately connected with Cnut. One was Emma, who was known in England as Ælfifu, the daughter of Duke Richard I of Normandy, the wife of King Æthelred, and, after his death, of Cnut. By the former she was the mother of Alfred and Edward the Confessor, and by Cnut of Harthacnut, in whom the old Danish royal line came to an ignominious end, and of Gunhild, the first wife of the Emperor Henry III. It is unlikely that she is the Ælfifu in question. Her rival, an equally ambitious, stronger, and more ruthless woman, Ælfifu of Northampton, was the daughter of Ælfhelm, earl of Northumbria, and the mother by an irregular union with Cnut of Harold Harefoot,¹² his successor on the English throne, and of Swain, who was nominal king of Norway under Cnut. The Norse traditions represent St. Olaf as her first lover, and make Cnut's capture of her affections the cause of the enmity between these two princes.¹³ Olaf was the son of Harold Grenski, but neither he nor his father could be described as king of England. The French record seems to imply that Ælfifu was not the wife of King Heroldus. The woman referred to is probably some other bearer of this common personal name.

M. Desjardins¹⁴ identifies the Rex Heroldus with Harold II. All that can be said in favour of this is that it is chronologically possible. In 1060 or 1062 Harold, king of England, could only mean Harold Harefoot. He was born about the same time as Harold II. Freeman says of him that he 'left no posterity. We hear nothing of wives, mistresses, or children.'¹⁵ Sir James Ramsay, however, claims to detect a reference to his queen in

⁹ *Albodenus* is an impossible name. It is, perhaps, intended for *Albovenus*.

¹⁰ Desjardins, no. 14, p. 17.

¹¹ In *Widsith*, the famous Lombard king Albain is called Ælfwine.

¹² This convenient nickname is not recorded until a much later period, but, as Steenstrup remarks, *Normannerne*, iii. 420, n. 3, Copenhagen, 1882, it must have been conferred upon him in his lifetime, since he was historically too unimportant to have earned one in later times. The conflicting explanations of the nickname given in the compilation cited as Brompton (Twysden, *Historiae Anglicanae Scriptores*, col. 932) and Knyghton (Rolls Series, i. 29) are obviously mere guesses.

¹³ Cf. Munch, *Det norske Folks Historie*, Christiania, 1853, i. ii. 814.

¹⁴ p. xxxi.

¹⁵ *Norman Conquest*, 3rd edition, i. 509.

the undated will of Ælfric, bishop of Elmham,¹⁶ whose death is recorded in the Chronicle under 1038. In this Ælfric makes a bequest to Harold, his sovereign (*cynelaford*), which is followed immediately by one to 'My Lady', the usual title at this time of a queen consort. Sir James remarks that he does not see 'who the "lady" could be unless Harold's wife; his mother is always spoken of as having gone to Norway'.¹⁷ It is true that Ælfifu accompanied her son Swain to Norway about 1030,¹⁸ and that she was head of the regency that governed in Swain's name. She was such a dominating personality that Swain's reign is known in the sagas as 'Ælfifu's time' (*Alfifa Qld*), and it was equated with the worst that had ever been known in Norway down to that time.¹⁹ She and Swain were compelled to leave Drontheim and take refuge in the south of Norway, where they spent the winter of 1033-4. This was, as Munch observes,²⁰ practically the end of Swain's reign. In the autumn preceding Cnut's death, which happened on 12 November 1035, she and Swain fled to Denmark,²¹ which was then under the rule of Ælfifu-Emma's son, Harthacnut. Swain himself died early in 1036,²² and Ælfifu returned to England. We have a record of her doings in England in a German letter that has not been noticed by English writers. It was written by a certain I., identified by Professor Bresslau²³ with Immo, who became shortly afterwards bishop of Arezzo, from the imperial court of Conrad II, the father-in-law of Gunhild, Cnut's daughter, to A[zeko], bishop of Worms. From internal evidence it must be dated in July or in the first few days of August 1036.²⁴ Among other court news Azeko is informed of Gunhild's regret at his absence, the good bishop having solaced the young, delicate, and lonely daughter of Cnut in her strange home, and is told that Gunhild had heard by envoys from England that her unjust *noverca*, who can only be Ælfifu of Northampton,²⁵ was scheming to influence the great men to deprive Gunhild's brother Harthacnut of his realm.

I subjoin the pertinent portion of this letter, which throws a

¹⁶ British Museum, *Facsimiles of Ancient Charters*, iv, pl. 21, in a contemporary hand; Kemble, *Codex Diplomaticus*, iv. 58, no. 759.

¹⁷ *Foundations of England*, i. 428, n. 6, followed by Oman, *England before the Norman Conquest*, 606, n. 1.

¹⁸ *Ibid.* p. 821; *Fagrskinna*, c. 110.

²¹ *Ibid.* p. 839.

¹⁹ Munch, i. ii. 813.

²⁰ Munch, i. ii. 833.

²² *Ibid.*

²³ See Paul Ewald, *Neues Archiv der Gesellschaft für ältere deutsche Geschichtskunde*, iii. 323 (1878).

²⁴ Bresslau, *Jahrbücher des deutschen Reichs unter Konrad II*, Leipzig, 1884, ii. 216, n. 3. Gunhild's marriage was celebrated on 6 June at Nimeguen (E. Steindorff, *Jahrbücher des deutschen Reichs unter Heinrich III*, Leipzig, 1874, i. 35).

²⁵ Steenstrup, *Normannerne*, iii. 415, n. 3, points out that Henry of Huntingdon, p. 139, similarly describes Ælfifu-Emma as *noverca* of Harold Harefoot, rebutting the strange contention of Steindorff, *Jahrbücher*, i. 34, n. 2, that the *noverca* in the letters means Gunhild's mother Ælfifu-Emma.

welcome ray of light upon a very obscure and badly-documented period of English history.²⁶

Vestrae sanctitati obaедienter, ut dignum erat, ac decenter paruisse nunciumque vestrum domnae nostrae imperatrici studiose ac diligenter presentavisse, ex hoc aperte sciatis, quod eam ipsam vestri muneris partem propria manu recepisse non dubium est. Deinde quanta benignitate quantaque gratiarum actione vestro se patrocínio et oramine ac servitio visitari meminerit, crebra ac sollicita vestre sanitatis interrogatio manifestat; in quo videlicet idoneos atque placidos vobis testes adfuisse credatis, dominum H(enricum) scilicet cum tenera coniuge Chunegunda,²⁷ quam etiam post vestrum discessum a nemine se amigdalís donatam, paternis verbis consolatam satis muliebriter ingemuisse sciatis. Preterea iter vobis domni nostri C(uonradi) imperatoris felix prosperumque, quantum adhuc sciri potest, denuntio. Audivimus enim Saxones ad adiutorium sui uniformiter armari.

Porro autem nec illud vos latere volo, quod legati Anglorum nostrae iuniori domnae, nuper infirmæ, nunc autem, Deo gratias! valenti, missi sunt; qui vero dixerunt sibi hæc: 'Infelix ergo,' inquit, 'et iniusta noverca vestra, Arduichenut,²⁸ germano vestro, regnum fraude subripere cupiens, universis primatibus nostris convivia maxima celebravit, et nunc eos prece, nunc pretio corrumpere satagens, iuramentis sibi suoque nato subiugare temptavit; qui vero non solum ei in aliquo huiusmodi non consenserunt, verum etiam nuntios prefato germano vestro, quatenus ad eos cito redeat, unanimes transmiserunt.' Sed illi quidem talia.

It is clear from this that Ælfgifu of Northampton was the main instrument in securing the crown of England to her son Harold Harefoot, and, as she attempted to bind the great folk by oath to her as well as to her son, that she was scheming to obtain a similar position in England to that occupied by her in Norway in Swain's time. She would therefore very likely assume the style of the queen or queen-mother, and she may accordingly be the 'Lady' mentioned in Bishop Ælfric's will.

There is a faint possibility that the Rex Heroldus may be Harold, king of Denmark, Cnut's younger brother, 'a prince whose name has passed altogether out of English, and almost out of Danish history.'²⁹ Thietmar of Merseburg, in a notice evidently written during the Danish siege of London in 1016, states that Harold accompanied Cnut on his invasion of England.³⁰ But nothing is recorded in England of his presence, except a contem-

²⁶ The letter is derived from an early twelfth-century Lorsch MS. in the Vatican (MS. Palatinus 930), described by Paul Ewald, *Neues Archiv*, iii. 321-40. It is printed by W. von Giesebrecht, *Geschichte der deutschen Kaiserzeit*, 4th edition, 1875, ii. 701 (cf. p. 309), and from the manuscript by Bresslau, *Jahrbücher*, ii. 532, no. 3.

²⁷ Gunhild assumed the name of Chunegund on her marriage (Steindorff, i. 36 n.; Bresslau, ii. 169, n. 5).

²⁸ Harthacnut, who was still in Denmark.

²⁹ Freeman, *Norman Conquest*, i. 366. Cf. Steenstrup, *Normannerne*, iii. 436, upon the scanty Danish evidence relating to Harold.

³⁰ *Chronicon*, ed. F. Kurze, Hanover, 1889, viii. 40. p. 217. Cf. Freeman, i. 698.

porary entry in the famous Gospels presented by Cnut to Christ Church, Canterbury, wherein Cnut's name is followed by that of Harold, his brother.³¹ Munch had already disinterred this entry from Hickes' *Thesaurus*, and cites it as proof of Harold's presence in England,³² but Steenstrup refuses to see any evidence of his presence in this entry.³³ The probabilities are rather in favour of Munch's view. Freeman, who did not know of this Canterbury entry, was inclined to accept Thietmar's evidence, in spite of the confusions in his account.³⁴ It certainly cannot be rebutted by the later encomiast of Ælfgifu-Emma, adduced by Steenstrup. Harold died in or about 1018.³⁵ Only by some great confusion could he be described as king of England.

The probability is, therefore, that Harold Harefoot is the king referred to in the French record. A son of his in 1062 must have been still a very young man. It is possible that Ælfwine the son of King Heroldus and Ælfgifu is merely one of the long line of mythical royal founders invented by the monks for the glorification of their monasteries. But, as the chartulary is separated from his time by little more than a generation, it is difficult to believe that he was entirely mythical. He may possibly have lied about his royal parentage. The document, it may be noted, affords slight traces of English influence in the form *Lundena*, OE. *Lundene*, and in *Anglorum Terra*, OE. *Englaland*.

W. H. STEVENSON.

'Contentementum' in Magna Carta

PROFESSOR TAIT suggests¹ that 'contentementum' in the famous twentieth clause of Magna Carta is a translation of the French 'contentance'; and his suggestion may be reinforced by a reference to 1 Edward III, stat. 2, c. iv, which declares that the barons of the exchequer may determine debts to the king

³¹ MS. Reg. I. D. IX, fo. 43^v, of which a facsimile is given in Cooper's *Report on Rymer's Foedera*, Appendix A, pl. 25 (at end of the volume). The entry is as follows: '† In nomine domini nostri Iesu Christi. Her is awriten CNYTES kynges nama þe is ure leofa hlaforð for worulde ond ure gastlica broðor for Gode, ond Harold, ðæs kynges broðor. Ðorð, ure broðor. Kartoca, ure broðor. Thuri, ure broðor.' The date of this is subsequent to the death of Edmund Ironside on 30 November 1016, and the consequent succession of Cnut to the whole realm, and is probably earlier than his marriage with Ælfgifu-Emma on or about 1 August 1017. An account of the manuscript is given by Sir F. G. Kenyon, *Facsimiles of Biblical Manuscripts in the British Museum*, 1900, pl. 17, and by Otto Homburger, *Die Anfänge der Malschule von Winchester im X. Jahrhundert*, Leipzig, 1912, p. 66 (*Studien über christliche Denkmäler*, Heft 13).

³² *Det norske Folks Historie*, i. ii. 671, n. 2, citing Hickes, ii. (an error for iii.) 181.

³³ *Normannerne*, iii. 309.

³⁴ *Norman Conquest*, i. 375, 700.

³⁵ Munch, i. ii. 483, 671, n. 2; Steenstrup, iii. 310, 437.

¹ *Ante*, vol. xxvii. 726.

'solonc lestat de les dettours, sauve lour contenance', and that sheriffs and others may levy payment 'sanz abatement de la contenance del dettour'. But apparently he hesitates to re-translate 'contenementum' into the English 'countenance.' The *New English Dictionary* does not, indeed, give much support to this suggestion; but the English version of the statute of Edward III quoted above, which the editors of the *Statutes of the Realm* have printed, apparently from a medieval source, gives 'saving always their countenance' as the equivalent for 'sauve lour contenance'; and there is a passage in Hales's *Discourse of the Common Weal* (ed. E. Lamond, p. 81), written probably in 1549, which shows that in the sixteenth century 'countenance' could be used in the sense in which Professor Tait interprets 'contenementum'. The Doctor in that dialogue says,

Then ye knowe he that maie spend 300^{li} a yere by such revennewes and fees, maye kepe no better porte then his father, or anie other before him, that could spend but 200^{li}. And so ye maie perceaue, it is a great abatment of a mans *countenance* to take awaie the third part of his livinge. And therefore gentlemen doe so much studie the Increase of theire landes, enhauncing of theire rentes, and so take farmes and pastures into theire owne handes, as ye se they doe; and also seke to maintaine theire *countenance*, as theire predecessors did.

It is to be noted that Hales uses the word 'countenance' when speaking of gentlemen and contrasting them with merchants and leaseholders, in just the same way that the 'contenementum' of the 'liber homo' in Magna Carta is distinguished from the 'mercandisa' of the merchant and the 'wainnagium' of the villein. Coke translated 'contenementum' as 'countenance'; and Cowell tells us that 'countenance seemeth to be used for credit or estimation, *Old Natura Brevium*, fol. 111, in these words: "Also the Attaint shall be granted to poor men that will swear they have nothing whereof they may make fine, saving their countenance". But it is perhaps too far-fetched to connect the vernacular phrase 'saving one's face' with 'salvo contenemento'.

A. F. POLLARD.

The Commons and the Statute of York

IT has been customary to regard a well-known passage in the statute of 1322 as at once declaring and ratifying a theory of legislation that had been occasionally applied in Edward I's reign and was destined to develop into a settled practice. The words of the statute are as follows:

Matters which are to be established for the estate of our lord the king and of his heirs, and for the estate of the realm and of the people shall be

treated accorded and established in parliaments by our lord the king and by the consent of the prelates earls and barons and the commonalty of the realm according as hath been heretofore accustomed.¹

According to the lords' committee on the dignity of a peer, this statute 'declared the constitutional law of the realm' by confirming and securing what had previously been a matter of custom and practice, and they added that it 'extended to all legislative purpose'. After its passage, they held, 'every legislative act not accomplished in accordance with its terms was void.'²

Hallam remarks that, while the act was levelled at the ordinances, the lords ordainers had been appointed with at least the nominal consent of the commons, and that therefore the enactment 'seems rather to limit than to enhance the supreme power of parliament, if it were meant to prohibit any future enactment of the kind by its sole authority'. Still he seems to hold that the statute must be taken as declaring the accepted theory of legislation. 'The necessity of parliamentary consent . . . for . . . enacting laws must have become an article of the public creed before [Edward I's] death.' If after the statute, he concludes, laws were made without the consent of the commons the proceeding was irregular.³ Gneist considered that the statute was intended to curtail the power of the lords and restore that of the king. It looked like a concession of a share in legislation, 'but did not yet contain such.' On the other hand, it is significant as the first express recognition of parliament as a legislative assembly and as emphasizing the fact that the consent of the commons is as essential as that of the lords.⁴

Bishop Stubbs seems to have thought that the people had originally co-operated in legislation, but that by the thirteenth century this function had degenerated into a theoretical right to consent to laws which in practice were made by the king. He was, of course, aware that the practice of legislation, before and after 1322, did not always conform to the rule understood to have been laid down in that year. After 1290, he writes, 'all such acts as were really laws were enacted in full parliaments,' but the share of the estates is not equal, and it is a long time before more is allowed the commons than petition, instance, or request. Still, the enactment of Edward II in 1322 is but an amplification of the principle laid down by his father in 1295.⁵ And finally 'the Great Charter had declared how the *commune consilium regni* was to be had; Edward I had stated the principle that what

¹ *Statutes of the Realm* (Record Comm.), i. 189.

² *Report on the Dignity of a Peer*, i. 282-3.

³ *Middle Ages*, ch. viii, pt. iii, n. viii, vol. iii. 232 ff., ed. 1856.

⁴ *Const. Hist.* (Engl. transl.), ii. 20-1 n.; cf. *Self-Government*, ed. 1871, p. 28.

⁵ *Const. Hist.* ii, §§ 224, 225.

touches all shall be approved by all ; Edward II . . . enunciates a still more elaborate formula of constitutional law'.⁶ But when all reserves have been made and precautions taken, Bishop Stubbs seems still to hold with his predecessors that the statute of 1322 amounts to a solemn recognition and ratification of an existing custom which requires the co-operation and consent of the commons for valid legislation.

Now in 1885 this view was traversed by a German scholar, whose work commands the respectful attention of every one interested in constitutional history. In an excursus appended to his work on the law of parliamentary elections, Dr. Ludwig Riess discusses the problem of how the right of the lower house to consent to legislation developed out of the commons' right of petition.⁷ He argues that the commons cannot be said to have a share in legislation until they act corporately, until, that is, they petition as a body for objects of general or national rather than local interest. This cannot be said to be the case before the order of 22 Edward III providing that petitions touching the commons should be delivered to the clerk of parliament.⁸ Even after this many petitions on behalf of single counties occur ; and the commons, even when acting corporately, still appear before the king and lords and communicate through their speaker. It is not, Dr. Riess concludes, until the Lancastrian legislation authorizing them to treat and deliberate by themselves and to communicate their conclusions by petitions instead of through the speaker, that they can be said to act corporately. They cannot be said to have a normal constitutional share in legislation itself until (1) no law is made without their express consent, (2) no law made by their consent is changed or annulled without their express approval, (3) bills submitted by them to the king and lords are not altered without their consent.

Now it may easily be objected that this is looking at the matter from a juristic rather than an historical point of view, that the statute marks just the beginning of a development which will not satisfy the terms of Dr. Riess's test until it is complete, but is none the less important precisely as a beginning, as one of a number of steps, every one of which must be taken account of by those who are studying origins and processes. In other words, it is Stubbs's point that the consent of the commons may have been considered necessary before the share of the commons in legislation much, if at all, exceeded the mere giving of consent. So much may be said for regarding the matter from an historical point of view. Still there remains the fact that when

⁶ *Const. Hist.* ii, § 254.

⁷ *Geschichte des Wahlrechts zum englischen Parlament*, pp. 106-9, Leipzig, 1885.

⁸ *Rot. Parl.* ii. 201.

we speak of the commons and legislation we are employing terms which in constitutional law have a very precise meaning, and we must therefore meet the challenge to define the sense in which we are using these words. On the other hand, it is quite clear that there has been some loose talk about legislation, and the commons' share in legislation, and above all the need for consent. After 1322, as before, the king made orders, ordinances, commands, laws; call them what we will, they were in effect the command of a sovereign, and he made them at the instance or by the advice of varying classes or bodies of persons. To say with Stubbs that 'after 1290 all such acts as were really laws were enacted in full parliaments', would seem to be either a *petitio principii* or else not much more than saying 'only those acts are real laws which were enacted by a full parliament', an assertion which, in the face of recorded history, does not square with the facts, for if it were true most of the business of the country in the fourteenth century was transacted and its administration carried on under regulations which were not real laws.

It is quite clear that the word 'commons' of the parliamentary records of Edward II's reign has not the sense conveyed to us by the term 'house of commons' to-day. A collection of borough and county representatives, without a recognized speaker or separate place of meeting, dealing with the needs and wishes of individuals or of local communities, whatever authority they may possess to treat on behalf of their constituencies, can scarcely be regarded as having more of corporate identity and will than a crowd. On the other hand, the clear definition of the estate of the clergy, and the growing clearness in that of the barons, would tend to limit and shape the commons as an estate. The effect of this would, we might expect, be particularly apparent when any business of a general or national character occupied the attention of the court or assembly of which they formed part. They might be capable of co-operating in legislation when the parliament was engaged in legislation of general importance, but not otherwise; and this would imply that the capacity of the commons as a body to co-operate in legislation, and to possess a theoretical right to do so, depended at this period upon the nature of the business before parliament. But we must still ask ourselves what we mean by legislation in Edward II's time.

Communities knowing and needing a good deal of positive law but lacking any satisfactory theory of sovereignty are apt to rely upon the courts for the practical business of legislation, and to regard it as the record, discovery, or interpretation of some racial or national inheritance of law.⁹ It is well known that in the fourteenth century parliament was, and was regarded and

⁹ Cf. Schröder, *Lehrbuch der deutschen Rechtsgeschichte*, § 30, 3rd edition.

described as, the king's court. At this period, when the differentiation of the judiciary from parliament was incomplete and any theory of the 'separation of powers' was still far off, any theory of legislation would probably have to be constructed out of the facts of the king's power to command and that of his court, however constituted, to give judgements.¹⁰ Such a practice, restricted or directed by such a theory, might well lag behind the needs of a community that was undergoing important and rapid changes of a social and economic sort; and this precisely was the case with England in the fourteenth century. For one thing, it was developing a national instead of a local economic life.¹¹ There was more that needed doing by government, and consequently government was more costly. The revenue was to a certain extent drawn from the middle classes and town populations, and these in turn were represented at certain sessions of the king's court where order was taken and judgement rendered that affected their interests. Now it is quite evident that, at least since the bad times in John's reign, people thought that the king should not rule arbitrarily, and further that the magnates conceived it to be their duty and privilege to prevent him from doing so. The century that separates the great charter from the ordinances of 1311 witnessed three attempts to alter the framework of the English constitution, and all three failed. Besides these there was the remarkable development and articulation of the organs of central government, including of course the institution of parliament, in Edward I's time.

In the first place, there was the administration of the central government in its ordinary course with its inevitable national development. This required what we should call legislation, but what we may suspect the fourteenth-century Englishman would neither name nor regard as such. He might look upon it perhaps rather as the sign of the regular activity of a king operating by and through the advice of a number of people who were professionally bound to advise him and help to execute his will, due regard being had to law and custom. In the second place, there were those extraordinary attempts to make use of the regular machinery of government to bring about what we must call constitutional changes. The committee of twenty-five in the great charter was no doubt a very elementary device, but it contained a great principle.¹² The 'paper' constitution of 1244¹³ foreshadows others. The provisions of Oxford and Westminster bring out the method very clearly: some kind of

¹⁰ On all this see Maitland, *Memoranda de Parlamento*, Rolls Series, introd., and McIlwain, *The High Court of Parliament*, particularly ch. ii, iii.

¹¹ Cf. Cunningham, *Industry and Commerce*, i, part iii, 4th edition.

¹² Cf. Adams, *Origin of the English Constitution*, 1912, ch. iv, v.

¹³ Matth. Paris, *Chron. mai.*, iv. 366-8.

national consent is to be taken in order to change the form of government, but then the change is to leave the control in the hands of a single class. This is even more apparent in the case of the ordinances of 1311, where the elected representatives of shires and boroughs consented, or appeared to consent, to the establishment of what was practically an oligarchical form of government.

In the light of these familiar facts we may return to the statute of 1322. The main purpose of the act was expressly to annul the constitutional changes made in 1311 and place the king in the position he had previously occupied. Now, with regard to what may be called ordinary legislation, we know what the authority of the king had been in Edward I's time and was to be in his grandson's. The king could, and did, legislate in the ordinary way, suspend or annul statutes ; on the other hand, the words of the statute taken in the sense which has commonly been attributed to them seem absolutely to require the assent and co-operation of the commons for this purpose. It appears, therefore, that what was intended by the words 'matters which are to be established for the estate of our lord the king . . . and for the estate of the realm', was not ordinary legislation, but precisely those constitutional changes which the barons had attempted to carry through three times in the course of a century. The words themselves would seem to bear this interpretation. The statute, it will be remembered, provides : (1) That the statutes and establishments made by the king and his ancestors before the ordinances are to remain in force ; (2) that all ordinances or provisions with regard to the king's royal power or the estate of the crown made by the king's subjects or by any power or commission whatever are to be null ; but (3) that matters which are to be established for the estate of the king and his heirs and for the estate of the realm and the people shall be treated, accorded, and established in parliament, &c. It seems clear that the main subject of these provisions is the king's power and the limitations to which it shall and shall not be subjected. The first clause relates to ordinary legislation, 'statutes and establishments made by the king and his ancestors,' which are contrasted with ordinances or provisions with regard to the king's royal power or the estate of the crown.¹⁴ These latter are not in any wise to be limited, controlled, or modified by the king's subjects acting in any but the one recognized and appointed way—through parliament. Surely this must mean to exclude precisely

¹⁴ The estate of the king and his heirs in (3) must be taken as equivalent to the estate of the Crown in (2). In that case the estate of the realm and the people would be the same thing looked at, as it were, from below. The words, no doubt, will bear another interpretation if taken alone, but not, it would appear, in their historical setting.

the course taken by the ordainers and the barons at Oxford and Westminster, of obtaining from parliament or the great council some act practically divesting itself of authority, something in the nature of a *lex regia*.

This interpretation appears to agree better with the facts of 1322 than the older one, and it also meets the difficulty raised by Dr. Riess, for national business of this sort would serve to bring the commons together into corporate action. On this view we should still regard the statute as a landmark in the development of the constitution, but it would represent the completion rather than the beginning of a development; it would show the point at which the guardianship of the great principle that the king should be under the law and might be coerced if he acted contrary to it, passed from the hands of a class into the hands of the nation. This, of course, requires a good deal of limitation and reserve; the time of parliamentary monarchy was still far off. On the other hand, the time when an oligarchy could be based on the nation's need for protection from royal oppression and reared on some fiction of parliamentary consent had passed.¹⁵ The constitutional changes of the fourteenth century attest this. Parliament ratified the deposition of Edward II; Richard II made use of the alliance of the commons to check the lords and alter the constitution in a sense favourable to royal absolutism; and the whole parliament co-operated in his deposition.

GAILLARD LAPSLEY.

A London Chronicle of 1460

A LONDON chronicle in Latin covering the years 1202–1459 was printed by Mr. Ralph Flenley¹ in his *Six Town Chronicles*, pp. 101–13, from a manuscript in the Bodleian Library (Rawlinson B. 355). This manuscript ends abruptly at the bottom of a page, and Mr. Flenley thought it possible that this was the original ending. A few additional leaves in the same handwriting are, however, to be found in another volume of the Rawlinson collection, D. 913, a miscellaneous book of fourteenth- and fifteenth-century fragments, ff. 55–60. One leaf only is missing between the two portions—the last page of B. 355 being numbered according to the original pagination, M 8—the first page of the fragment of D. 913, N 2. This also ends abruptly in the middle of an oath, so that it affords no clue either to the author or to the original termination of the chronicle. The last sentence

¹⁵ Cf. Ranke, *History of England* (Engl. transl.), i. 69–70.

¹ Oxford, 1911.

of B. 355² ran: 'Et isto anno circa festum Sancti Petri in mari June 1459.
Comes Warwici pugnavit cum hispanis et ibi cepit unum caryk
et iiij naves de hispania plenas mercemoniis et adduxit eas ad
Sandwicum.' We miss, therefore, any account of the parliament
of Coventry. The treachery referred to below was, I take it, that
of the lawyer, Roger Nevyle.³ The fragment has a certain value
for its description of the state of affairs in London in the period
immediately before and after the battle of Northampton, and
I have, accordingly, transcribed it. G. BASKERVILLE.

fuit divulgata et indictata pro tradicionem et nigromancia. Et post pascha 1460
sequens Dux Excetre cum suo exercitu navigavit ad impediendum predi- April 13
ctum comitem in suo reventu. Et etiam missus fuit Mowntfoort cum 500
armatorum soldariorum ad fortificandum ducem Somersetie in Gynes.
Et ante festum Pentecostes Comes Warwici cum matre sua venerunt June 1
a terra Hibernie et terram applicuerunt in Devenschire ubi aliquamdiu
requieverunt. Et post hoc navigavit versus Calisiam et obviavit Duci
Excetre, sed nichil actum fuit inter eos. Et feria sexta ante festum June 20
Nativitatis Sancti Iohannis Baptiste quidam vocatus Iudde exosus homini-
bus transivit per Londoniam versus regem cum xxx bigatis oneratis cum
canonibus, pulvere pro eisdem, lanceis, malleis, et aliis ordinantiis ad
bellum. Et die Dominica sequenti idem Iudde fuit occisus inter Sanctum June 22
Albanum et Dunstapill.

Et isto anno Sabbato ante festum Nativitatis Baptiste Dominus de June 21
Fauconbrigge et Iohannes Denham venerunt ad Sandwicum et pugna-
verunt cum Mountfoort, et ceperunt et miserunt illum ad Calisiam cum
nautis qui ante Calisiam decapitaverunt ipsum. Et post festum Nativitatis After
Baptiste, Comes de March, Comes Saresberie et Comes Warwici, terram June 24
applicuerunt apud Sandwicum et feria tertia post festum Sancti Petri July 1
venerunt in Suthwerk, et in crastinum in Londoniam, et ibi expectaverunt July 2
usque Sabbatum. Quia dominus de Scales, dominus Moleyns, Comes de July 5
Kendale, cum aliis militibus et armigeris pugnabant contra Londonienses
pro eo quod receperunt predictos dominos. Et Comes Saresberie, Dominus
de Cobham, et Dominus Iohannes Wenlok remanserunt cum maiore in
Londonia pro salva custodia civitatis contra eos qui fuerunt in turri Lon-
donie. Et die Iovis Dominus de Fawconbrygge cum pedestribus trans- July 3
ivit versus Northamptoniam ubi Rex finxit [sic] tentoria sua. Et in die July 4
Veneris transivit legatus. In die vero Sabbati Comes de March, Comes July 5
Warwici et Archiepiscopus Cantuariensis cum aliis episcopis transierunt ad
regem ad sibi declarandum bullas papales per quas papa voluit ut domini
predicti restituerentur suis iuribus et etiam omnes eis contradicentes
incurrerent sententiam excommunicationis et omnes sui adiutores gaude-
rent privilegio absolutionis a pena et a culpa. Et die Iovis post transla- July 10
tionem Sancti Thome Martiris post nonam dicti tres domini intraverunt
campum armati gratia divina et audacter tentorium Regis intraverunt et
ab eo graciose recepti fuerunt. Et in bello isto fuerunt occisi Dux Bokyng-

² Flenley, p. 113.

³ *Annales Willelmi Wyrcester*, in *Wars of the English in France*, ii. 772.

hamie, Comes de Schrouesbery, Vicecomes Bemond, et Dominus Egremond cum pluribus aliis militibus, armigeris : et quamplures fuerunt submersi in rivo ibidem. Nec mirum, quia fuerunt in numero contra eos qui fuerunt occisi plus quam 100 milia hominum de Cancia et Essex et aliis comitatibus.

July 16 Et die Mercurii proxime sequenti predicti Domini venerunt et adduxerunt regem salvum et incolumem in Londoniam cum omni solemnitate et gaudio. Rex vero fecit suum hospitium in palatio Episcopi Londonie. Et toto isto tempore existentes in turri Londonie sagittabant cum canonibus die et nocte et cum sagittis multos interficebant tam de Londonia quam de nautis plures vulneraverunt. Sed in adventu claves de turri Londonie deliberate fuerunt dominis predictis. Et in die Sabbati sequenti Dominus de Scales fuit occisus a nautis citra Thamisiā sperans se evasurum, sed in vanum. Et in crastino, scilicet in festo Sancte Margarete, preceptum fuit per Dominos quod vulgus existens infra Turrem Londonie exiret et ad proprias suas rediret partes, auferentes se cum omni quod ibidem habebant. Sed vigiles qui custodiebant eos despoliaverunt eos. Et in crastino illi qui remanserunt, aliqui ex eis ducti fuerunt ad Guyhald Londonie et adiudicati. Ex quibus Dominus Thomas Brown, miles de Cancia, cum quinque aliis servientibus Ducis Excetre decapitati sunt omnes apud Tibourne prius indictati de feloniam et tradicionem. Et in Sabbato unus vocatus Archer, armiger Ducis Excetre, fuit adiudicatus et apud Tibourne decapitatus. Tunc rex cum omnibus istis dominis transivit Cantuariam. Et dum fuissent ibidem Comes Warwici navigavit Calesiam ad conducendum matrem suam et uxorem. Et isto tempore rex Scottorum obsessit castrum de Rokesborgh, et ibi idem rex cum canone fuit interfectus. Et ante festum Sancti Bartholomei Comes Warwici venit Londoniam cum matre sua et uxore sua. Et isto tempore Comes Wyltesyre, Thesaurarius Anglie, fugit ultra mare ad Middelburgh in Selandia. Et Sabbato ante festum Nativitatis Beate Marie Dux Eboraci cum filio suo Edmundo, Comite de Rotelond, venerunt in Angliam de

Before August 24 Hibernia. Et in crastino Sancte Fidis incepit parliamentum apud Westmonasterium. Et in vigilia Sancte Ethelburge Dux Eboraci venit ad parliamentum cum filio suo Comite de Rutlond cum maxima melodia et 800 equitibus ac militibus armigeris et aliis et cum ense ante eum erecto et clavo Regis, et ivit ad palatium Regine pro hospitio suo et ibi manebat. Et pro isto totum parliamentum turbabatur. Tandem, inspirante gratia divina, per totum parliamentum ius Regni predicti Domino Duci predicto et filiis suis et de eis generandis masculis proveniret. Proviso tamen quod statim post mortem predicti Regis Henrici Sexti ius proveniret predictum immediate, et non ante. Et sic processit parliamentum sub forma sequenti.

[Here are inserted the articles between the king and the duke as printed in *Rotuli Parliamentorum*, v. 278-9, and in the *English Chronicle from 1377 to 1461*⁴, pp. 100-6 (' Blyssed be Jhesu . . . thys present acte '). After this the form of the oath (imperfect) mentioned but not given in the *Rotuli Parliamentorum* is added as follows :]

In Dei nomine, Amen. We, A. B. C. promyccce and sweir by the feyth & trouthe that we owe to Almyghty God that we shall take, repute &

⁴ Ed. by J. S. Davies, Camden Society, 1836.

accepte all the dayes of our lygf Richard Duke of York & his heyres, trewe & ryghtwis heires of the Crownes in the realmes of Ingland & of Fraunce & of the lordship of Ingland accordyng to his ryght & tittle thereunto, schewid, declarid, acceptid, approvid & admittid in to this present parliament. And the said Duke & his said heyres honour & worschipped accordyng to the same. And we or eny of us schall evir et eny tyme from hens-forward do consente procure or stire directly or indirectly, pryvely or apertly in eny parliament, counseyll or eny other place that eny hurt or thyng, prejudice or derogation schall. . . .

Documents Illustrative of the Powers of the Privy Council in the Seventeenth Century

THE following three documents are given as an appendix to my article on *Inner and Outer Cabinet and Privy Council from William III to George II.*¹ The first is a memorandum drawn up by Sir Julius Caesar, with the view of embodying the practice and procedure of the privy council in times past, probably for the instruction of the young King Charles. At any rate the second document, which is a copy of privy council regulations drawn up on 20 February 1624, contains many resemblances to the notes of Sir Julius. Both documents confirm the impression that the privy council had considerable powers, but show also that the king could reserve certain matters from their discussion, and deal with them by secret committees. The fact that the rules of 20 February 1624 were readjusted in 1660 shows that Charles II meant to have the same kind of privy council as before. During his reign private advice and secret committees practically superseded the privy council until 1679, when he tried to revive its powers on the advice of Temple. His scheme, as described in his own words, is given in the text of my article.² The failure of this attempt to reinstate the privy council was, however, only partial, as is shown by the third document (5 October 1681), in which Sir Leoline Jenkins throws an interesting light on the working of the system and gives evidence that the privy council still retained some vestiges of its former powers.

H. W. V. TEMPERLEY.

*I. Notes concerning the Kings Private Counsell*³

Ult^o. Octob. 1625.

Concerning the Privat Counsell^r of the most High & Mighty King of Great Britaine, France, Scotland, Ireland &c.

1. The King is the Generall Father, & Lord or Mr., & Head of his whole kingdom & Dominions: all his Subiects are his Children, his Servaunts, & his Bodie politique.

¹ *Ante*, vol. xxvii. 682 ff.

² *Ibid.* pp. 684-5.

³ Autograph in the British Museum, Add. MS. 34324, fo. 238.

2. For the Government of that Body Politique, Every good King hath alwaies used at his entrance into his Kingdome, to select out of that Great Bodie Some few Servaunts (more or fewer at his owne pleasure) to be Private Counsellors unto him in a body of a settled Private Counsell, to be as watchmen for the preservation of his Royall Person & issue, for the increase and advancement of his Revenue, Dignities, Preheminences & Authorities (to wh[ic]h they are specially sworne) & for the Preservation of that Great Bodie of his whole Kingdomes from all Oppression from abroad, & from all Confusion at home.

3. In wh[ic]h choyce of a Private Counsell, it hath pleased both himself, his Predecessors in this kingdome of England, to give allowance to these Counsellors or most of them, who were Counsellours to his Predecessor at his death (with like Oathes to be as formerly to his Predecessour) to be of his, private Counsell during his pleasure, whom he retayneth; or removeth; or useth not; or addeth unto by calling others unto the s^d bodie of the Counsell according to his Royal will & pleasure.

4. [Examples: Elizabeth found 13 to whom she added 8 at her accession; James allowed of the late Counsellors 13 to be his, but on 28 March 1603 by letter added 4, and on 4 May, 7.]

5. The King's Ma^y having once settled his Private Counsell, as once he hath done, and added unto these such as in his sacred Wisdome he hath or shall think good; it will be expected that they shall duly observe all reiglements and orders set downe in former times for their own informatⁿ & discharge of that Greate trust & Confidence reposed in them; specified in the orders set down by the Lords⁴ in the 4. year of King Henry the 6, or at any time since, . . . by roll of Parlement, as that was, or at any time in the Counsell book. To w[ic]h purpose it were a worthie work most fit for our most noble Souveraigne King & Mr to award a Commission to some such persons as in his Sacred Wisdome, he shall thinke fit, to viewe all former orders in that kind, and to set down manie of them, and ad[d] such other unto them, as may best suite to His M^{tie}'s Honour, and the good and secret carriage of all business hereafter at the Counsell table.

6-8. [Details about room, clerks, &c.]

9. . . . it appeareth that in the time of King E. the 6 & before, & after, it was accustomed that some of the s^d Counsell met almost every day to receive letters from all partes of the kingdom, of the weekly states of the markets, and provisions or wants of the said counties and of all Intelligences of business both at home and abroad, fit for the knowledge of such a Counsell, as he watchful either for the King's safetie, or generall good of such a Kingdom.

10. At all meetings of the s^d Counsell there was alwaies one of the Secretaries of Estate that acquainted the rest of the Board with all occurrences [fit for their knowledge⁵] (unlesse such as were particularly reserved for His Ma^y's private person not reveilable without his direction) wh[ic]h the Secretary, standing at the upper end of the table, did declare to their Lordships & to know their pleasures therein. But of late time,

⁴ Hardwicke Papers, Brit. Mus., Add. MS. 35817, Copies of Records in the Tower, A° 8, Henry VI, Councillors of Estate, ff. 15 *seqq.*

⁵ Erased in MS.

since there hath been a L. President of the s^d Counsell, those propositions are moved by him at the Table to the rest of the Lords, whose resolutions being known the s^d L^d causeth one of the s^d clerks to enter the same into the Counsell book; saving in causes of state or Foraigne business recommended from the King to the Secretaries or either of them; who then move it to the Lords.

11. [Expenses of Secretary.]

12. To this Counsell Table, the Lords not lodging in Court nor ordinary great Officers of the Household were not accustomed to come, but only uppon Summons either from the L. President of the s^d Counsell, or from one of the Secretaries of Estate, and then never to fail in coming thither, or to send a sufficient excuse of their not appearing.

II. *Orders to bee observed in Assemblies of Councell* ⁶

1. The Lords are to bee warned to meet in Council either by Order from the Lord President . . . or one of the Principall Secretaries of State.

2. . . . Every councillor is to keepe the hower of meeting or . . . to send his excuse.⁷

3. In the term time the Councillors of ordinary course are to sitt on Wednesday and Friday in the afternoones for dispatch of suiters if the greater occasions of State do not hinder.

4. When any Three of the Lords are assembled in the Council Chamber, All Suters attendants & others are to avoid the Chamber, & it to be kept private, both for Dignity and that the Lords may for privacy confere together, and prepare business before they sitt; as occasion shall bee.

5. When the Lords be sat, if it be a day of Ordinary Business all Petitioners are to be admitted in everyone to deliver his petition at the upper end of the Table kneeling [and to withdraw quietly].

6. When the Lords are sat then the Lord President or one of the Secretaries of State are to acquaint the Council with the cause of that Meeting, and if His Matie send anything to bee considered, or that anything requires disspatch for the publike that is ever to be preferred before any private business.⁸

7. And if any of the Principall Secretaries have anything to deliver from the King, or of other Intelligence, this is to be done by the Principal Secretary standing at the upper end of the Board, and when he hath put the business in a way, then he is to go back and take his own place.

8. In debate upon all business there is to be freedom and secrecy used. Everyone is to speak with respect to the other, and no offence to be taken for any unfitting advice delivered, but as little discourse or repetition to be used as may be for saving of time; And when any Lord speaks at the Board to the Council he is to be uncovered but if he speaks to any other man to be covered.

9. When any causes are handled and parties heard speak on both sides [the Lords are to confine themselves to questions while the parties are there].

10. When any cause is fully heard, the parties are then to retire, and the Lords to debate alone, or if any variety of opinions continue which

⁶ Copied from Orders of 20 February 1624, Whitehall: Privy Council Register, 1660, Charles II, i. 1.

⁷ Cf. Caesar's notes, 12.

⁸ Cf. Caesar's notes, 10.

cannot be reconciled then the Lords are to vote it severally, if it be demanded, and the Lord President or one of the Principall Secretaries, if the Lord President be absent, is to take the votes.

11. In voting of any cause the lowest councillor in place is to begin and speak first and so it is to be carryed by most voyces, because every Councillor hath equall vote there, when the business is carried according to most voyces, no publication is afterwards to bee made by any man how the particular voyces and Opinions went.

12. [Deals with Petitions.]

13. Clerks. [Two only to be in the chamber.]

14. [Regulates procedure of business at the end of every Council for the next one, if greater occasions intervene not.]

15, 16. Orders in Council to be signed by President or Secretary, and their execution verified 'by calling for an Accompt of them'.

17. Deals with passes abroad to Noblemen.]

18. All councillors are to keep their places, but especially when any Parties are called in, & if at any time they rise out of their places they are to stand uncovered.

19. When the Body of the Council doth assemble, they are always to passe through the Presence Chamber, and none to come the private way, except upon speciall and secret Committees.

20. [Unimportant.]

21. Whosoever is set down to be of a Committee and is absent there, without alleging such cause as the Committee shall allow of, is to be putt out of the Committee by his Maty's orders, who requires one of the Principal Secretaries to give him knowledge of such default.

22. For execution of these Orders the Lord President if he bee there, or Principall Secretaries in his absence, are to take charge.

III. *Sir Leoline Jenkins on the Powers of the Privy Council*

5 October 1681

Secretary Jenkins to Earl Conway, 5 October ⁹

We had this day at Council an Experiment, we had such an other this time twelvemonth, how necessary it is, that some of My Lords that His Maty does principally rely on, sh^d be allwayes present where there is Council-sitting.

Wilson that is Secy to L^d Shaftesbury, sent in a Note to My Lord Privy Seal, to desire his Lordship, that a certain Writing, (which was a Draught of the Oath that Bryan Haynes made, or leastwise was to make, upon which the Lords intended for his pardon) might be restored to him (L^d Shaftesbury); though my L^{ds} upon the view of the papers at their last meeting upon that Business, had order'd that in particular to be lay'd aside, and not to be restored. My Lord Privy Seal was for restoring the paper; but I

⁹ Record Office, State Papers, Domestic, Entry Book, lxii. 327-30. A reference to the Privy Council Register, Charles II, xvi. 364, confirms, by implication, the account here given and gives the number of privy councillors attending as eight, viz. Prince Rupert, archbishop of Canterbury, bishop of London, earl of Bath, earl of Craven, Lord Faulconberg, lord privy seal, Secretary Jenkins.

took leave to oppose this, that soe deliberate and important an Act of Council as that was, My Lord Chancr, My Lord President, My Lord of Halifax and My Lord Hyde were present at the passing of it, might not be revers'd at a Council that consisted but of a bare Quorum, none of those foure Lords being present ; But if soe solempne an Act must be revers'd, it sh^d be done in the King's presence and with his advice. It was at last order'd, that the Lord Shaftesbury sh^d have a Copie attested.¹⁰

[A question was then raised by Lord Falconberg about Prince Rupert selling his invention, with reference to big guns, to France.]

My Lord Privy Seal . . . was pleased to fall upon the Secrys of State, for that they did not communicate to the Council those matters of importance, that the Peace of the Kingdomes and the Repose of Christendom did depend upon, or to that effect, saying that they came thither to hear news and causes.

Thereupon I took the liberty to assert, that it was the Duty of the Secrys soe to manage those correspondencies that his Maty should direct, that he should have a constant and punctual account of it ; but that they were not at liberty to carry any part of their Intelligences to the Council, unless His Majesty directed it specially soe to be done ; that I for my part had allwayes governed myself by that Rule, because I thought it a Duty that lay indispensably upon me.

My Lord was pleased to reply, that Mr. Secrys's answer was such an Answer as never was offer'd by a Secry to a Privy Council before ; however that he could not find fault with the answer, for it was constant to the practice of later years. My Lord Faulconberg likewise was pleas'd to allow of what I had answered ; but found fault with the present Constitution of the Council, and confess'd, that this was not a Debate proper for this Council. There was nothing resolv'd on, but that those who found themselves aggrieved with the Constitution of the Council, as now it is, might complaine to His Maty when he Return'd. . . .

Canning and the Addington Administration in 1801

IN Dr. Holland Rose's *Pitt and Napoleon* (pp. 326-8) a letter from Canning to Pitt is printed, which the writer dated 'Spring Gardens Sat. morning Aug. 28, 1801'. Dr. Rose, who appears to have misunderstood the circumstances to which the letter refers, has added to the date '[1804]' with a footnote 'the date must be 1804'. Canning, however, in the body of the letter refers to the probability of Barré's office (that of clerk of the pells) falling vacant through his death within a short period, and Barré actually did die on 20 July 1802. Secondly, 28 August 1804 fell on a Tuesday, and it is inconceivable that Canning could so far go wrong in his dates as to write 'Saturday Aug. 28' in that year. As a matter of fact Canning was wrong by one day : the last Saturday in August 1801 was 29 August,

¹⁰ See the order to this effect in Privy Council Register, Charles II, vol. xvi, *ad hoc*.

but an error of a day is easily made and is quite common and intelligible. Again, Dr. Rose thinks that the letter has reference to negotiations as to the allotment of offices in Pitt's second administration, in which Canning held the office of treasurer of the navy. But the letter shows that the treasurership of the navy was then about to become vacant, and that Canning himself was not in the ministry, although he had been gazetted to that office in May 1804 when Pitt's administration was formed.

It is quite clear that Pitt was endeavouring to persuade Canning to join Addington's ministry, and had suggested that he should take the joint paymastership of the forces, which office he had already held at the end of Pitt's first administration. The circumstances were these: Dudley Ryder, who was vice-president of the board of trade and treasurer of the navy, was about to retire; Addington proposed to transfer his brother-in-law, Bragge, from the secretaryship-at-war to the treasurership of the navy, a more lucrative office; and Pitt suggested that a vacancy might be made for Canning by transferring Glenbervie from the joint paymastership of the forces (in which he had succeeded Canning in the preceding March) to the board of trade. In the letter which Dr. Rose prints, Canning speaks of 'your [i.e. Pitt's] reasoning in favour of my old office immediately, and by a vacancy to be made for the express purpose of giving it to me again'. Dr. Rose (who appears to have overlooked, as also did the writer of the inadequate article on Canning in the *Dictionary of National Biography*, the fact that Canning had been paymaster under Pitt) has appended a footnote to explain 'old office' as 'probably that of Under Secretary for Foreign Affairs which he resigned in 1799', an obviously erroneous explanation, as no privy councillor (which Canning then was) would have dreamed of accepting what at that time was so subordinate a post. Canning goes on to say:

when this arrangement is considered, not by itself but with a reference to what is intended for Bragge, I think . . . that such a distribution of the two offices is grossly partial . . . and this applies equally whether the two offices are filled up precisely at the same time . . . or whether I take the Pay Office first with the certainty that, as soon as occasion offers, Bragge is to go *per saltum* . . . over my head.

He then proceeds to disclaim any desire for the treasurership of the navy 'with £4,000 a year' for himself, which office he was actually holding in August 1804 (Dr. Rose's date), and suggests a different arrangement, viz. that Charles Yorke (then secretary-at-war with £2,500 a year) should have the treasurership, Bragge should have the mastership of the mint with £3,000 a year, and Canning himself should succeed Yorke as secretary-at-war, the

salary of which was the same as that of the paymastership which Pitt had proposed that he should resume. He adds, 'if further provision is wanted for Bragge, is there not Barré's office to fall within a period that cannot now be much protracted?' It is impossible that this sentence could have been written in 1804, two years after Barré had died and his office had been filled, or at the end of August in any year later than 1801.¹

Canning, as we know, did not take office under Addington, but (apart from this letter which Dr. Rose records) it is clear from his letter to Lord Boringdon, dated 'Ashbourne Oct. 29, 1801' and printed in Stapleton's *George Canning and His Times*, pp. 66-70, that the question of his joining Addington had been carefully considered at Pitt's instance, for in it he states that, in his opinion, 'to have taken office at the time, and in the manner prescribed by Pitt would have been ruinous.'

The actual arrangements which followed on Ryder's resignation were that Bragge succeeded him as treasurer of the navy in November 1801, Yorke taking Bragge's place as secretary-at-war, which he vacated in 1803 on becoming home secretary. Glenbervie was made vice-president of the board of trade, but retained his joint paymastership in conjunction with that office till the end of 1802, his successor, Hiley Addington, being gazetted in January 1803. On Barré's death in July 1802, the clerkship of the pells, one of the best-paid sinecure offices, was conferred on Addington's eldest son, then a boy of fifteen years of age.

ALFRED B. BEAVEN.

¹ Dr. Rose's footnotes that 'Charles Bragge had been Treasurer of the Navy in Addington's administration', and that 'Charles Yorke had been Home Secretary under Addington', are correct—or would be, with the substitution of 'was' for 'had been'—but they are *nihil ad rem*, as these politicians had not held those offices before the date of Canning's letter.

Reviews of Books

Aspects of Religious Belief and Practice in Babylonia and Assyria. By MORRIS JASTROW, JUN. (New York: Putnam, 1911.)

THIS volume is all that those acquainted with Professor Jastrow's earlier *Handbook on the Religion of Babylonia and Assyria* would expect. The present work is the fruit of a course of American lectures on the history of religions, and begins by retelling in the first chapter the story of culture and religion on the Euphrates, and in the second traces the development of the Pantheon there. The next two lectures on divination and astrology sum up in a useful way the results of much recent discovery and research; the importance of the liver in early theories of physiology, the perversions and charlatanism of astrologers in Europe, the late date of genethliology are made admirably clear. The account in the fifth chapter of the temples and the cults is full and valuable; litanies are quoted, and if some hymns originated in incantations, it is shown that the spiritual feeling of many is ethical and refined, though the motive in most cases is intercession for the nation and the royal house as its representative. But no sane history could suppose that 'the story of the crucifixion and resurrection of the Christ embodies a late echo of the Tammuz-Adonis myth'. Particularly interesting is the chapter on ethics and life after death, though on the latter half of the subject it may be questioned whether anthropology will subscribe to the persuasion that 'the view that life continues in some form after death has ensued' is 'common among people on the level of primitive culture', and Dr. Jastrow would do well to sift the various modes of burial to be found in Egypt and in the neolithic and eneolithic ages. The now familiar subject of Hammurapi's code is treated with a sureness of touch which engages the reader's attention in what may easily become a mere catalogue.

In covering so wide a range of learning the writer naturally is not always equally convincing. His discussion (p. 3) of the relation of Sumer and Akkad, e. g., may be questioned if the analogy of Egypt is considered; and his postulate (p. 4) that civilization is 'everywhere the result of the stimulus evoked by the friction of one ethnic group upon another' is too strongly stated. Not every one even now could accept his dictum (p. 55) that expeditions for conquest 'eventually weaken the conqueror more than the conquered'. His interpretation (p. 395) of Hammurapi's treatment of a mistaken judge is inconsistent with his own recognition (p. 404) that honest motives are assumed. It is surprising that he still makes Sargon (p. 22) claim or conquer 'the west up to the Mediterranean coast'; Mr. L. W. King effectually disposed of this

crippling belief in his *Chronicles concerning Early Babylonian Kings*. Adad, then, is not necessarily an importation (p. 117), and the explanation of Amurru (p. 235) needs correction. Some of the author's difficulties as to the relation, e.g., of Anu to Enlil (p. 81), and the reasons that Nergal is the type of the sun and yet of the grave (pp. 107, 224) disappear, and the motive of the *zikkurat* becomes intelligible, when the cosmological ideas of the Babylonians are understood as Dr. W. F. Warren has shown. Inacquaintance with Dr. Warren's work affects, too, our author's argument (p. 69) that Enlil must be the god 'of a people whose home was in a mountainous region'; and a study of Greek mythology might have suggested the possibility that different names for a god betrayed different nationality in the worshippers. Though it is the prevalent view to-day, it cannot be established that (p. 213) no lunar cycle was introduced till the third century B.C. The astrological texts, if anything, point to the opposite: the apparent contradiction between the cycle and the observation was the omen. The author's belief (pp. 313, 349) that women 'represent everywhere the conservative element in religion' is hardly in accordance with Roman experience when the Bacchanalia and Isis' cult came in, nor with that of more modern days. Dr. Jastrow justly points out (pp. 60-2) the close resemblance between Zoroastrianism and the Hebrew monotheism as unfolded under the inspiration of the Hebrew prophets. He might have added the doctrine of the Nicene *παντοκράτωρ* as contrasted by Bishop Westcott with the popular understanding of 'Almighty'. And he might have noticed how Hammurapi's principle that the landlord's rent is the first charge on land (p. 406) is now, after 4,000 years, coming to be questioned. It is hardly credible that Jonathan's shooting of arrows in 1 Sam. xx was a species of divination (p. 145). The divine right of kings and their almost sacerdotal consecration in not very remote times would illustrate the Babylonian view (p. 269), and perhaps Cologne cathedral may be claimed as the descendant of the double *zikkurat* of Anu and Adad. Solomon's temple should rather be traced to Syrian influence (p. 292). The 'incantation rites' (p. 301) of Dr. Langdon may be regarded as penances performed away from the temples.

A few slips may be mentioned: 'Longinus' was not a Latin critic (p. 416); p. 279, l. 6, 'glosses,' p. 295, l. 11, 'Nabonnedos,' p. 405, l. 10, 'proved,' p. 411, l. 22, 'are,' p. 416, l. 7, 'paeon,' are intended. On p. 444, n. 2 is misleading; it was Ashurnasirpal who murdered Tukulti-Ninib. In the *Journal Asiatique* for 1910, p. 355, the years assigned to Gimil-Sin (p. 430) are 7, not 9, and the reign of Ur-Engur should in all probability be made to begin in 2232 B.C. The joke on the disappearance of the clay 'bird' (p. 278, n. 1) should be removed. T. NICKLIN.

Aristotle's Constitution of Athens. Edited by Sir JOHN EDWIN SANDYS, Litt.D., F.B.A. Second Edition, revised and enlarged. (London: Macmillan, 1912.)

NINETEEN years have passed since Dr. Sandys published his edition of the *Ἀθηναίων Πολιτεία*. It was in many respects an admirable piece of editing and fully deserved the high praise it received. Its publication only

two years after the discovery of the papyrus was itself something of a feat, and it was exactly the edition wanted after the turmoil and perplexity which that discovery caused. There, collected with great industry and marshalled with admirable clearness and precision, were to be found all the ancient authorities that illustrated the new treatise and all the views put forth concerning it by modern scholars. Strikingly erudite and yet lucid, comprehensive and at the same time minute, sane, and judicious in its criticism, it became at once the standard and the indispensable edition, and all students of Greek history will acknowledge a debt of gratitude to it. But much light has been shed on the treatise since 1893 and a new edition is very welcome. It is significant, however, that the exhaustion of the old edition is the only reason given in the preface for the publication of the new, and we are therefore prepared to find the alterations neither many nor considerable. The introduction has undergone little change: indeed, little was needed. We are no longer allowed to identify Heracleides, the author of excerpts from the *Πολιτεῖαι*, with Heracleides Lembos; new citations from the *Πολιτεῖαι* are traced in Sopater the Sophist, and two passages from this treatise are found to be paraphrased or utilized in Procopius and Psellus. Fresh evidence of the lucidity of Aristotle's more popular style is quoted from Simplicius, and a new parallelism of expression cited from the *Politics*. More interesting are some slight changes of phrase on pp. xxxii-xxxiv which show that Sir J. Sandys is reluctantly abandoning the view that Plutarch had a first-hand knowledge of this treatise; on p. lxviii it is suggested that Androtion was the common source of both. On p. lxvi it is held that the eighth book of Thucydides is incomplete, and that its final revision would have brought it more into harmony with Aristotle in the matter of the Four Hundred. There is a new paragraph, which might well have been longer, on the oligarchical writers whom Aristotle may have followed. The introduction ends as before with a valuable bibliography, now much enlarged, in which we have been unable to find any serious omissions. The number of scattered articles (we wonder why Cavaignac should appear among them) has apparently risen from 135 to 240. Among the books of reference cited it is curious to find no mention of Pauly-Wissowa.

The text, which is naturally much indebted to Sir Frederic Kenyon's Berlin edition, cannot suitably be examined in detail here. We may, however, mention a few of the changes:

c. 3. 13. ἀντὶ τῶν δοθεισῶν for ἀναποδοθεισῶν:

c. 7. 8. τιμήματι for τιμήματα:

c. 46. 7. αὐτῆς for πάντων:

ibid. 10. καταγρῶσα for καταγρόντος.

c. 54. 32. νῦν δὲ πρόκειται καὶ Ἡφαίστια for ἄλλα δὲ πρόκειται κατὰ τὰ ψηφίσματα τὰ...

c. 57. 25. ἐν ἱερῷ for ἐν ἡλιαίᾳ.

Two conjectures of the editor's own appear: τὰ εἰς δέκα ἔτη πεπραμένα in c. 47. 13 and αἰλοῦς τε ἔχουσαι κοὶ ἔκρους in c. 67. 5. A continuous text and commentary are now given for the fragmentary columns at the end of the papyrus.

The commentary has been increased, we are told, by fifteen pages: we must confess ourselves surprised to find they are so many. There

are a certain number of new notes, and old notes are in some cases amplified or remodelled. The additions consist mainly of the quotation of fresh linguistic parallels and newer modern literature: in the latter category Wilamowitz is naturally prominent and towards the end Lipsius. Very few alterations are visible in the historical part of the commentary. We proceed to mention some of the more important:

P. 14. ἀπεδέδοτο, where Mr. Richards's explanation of the pluperfect is adopted.

P. 16. τοὺς πρυτάνεις, now identified with the presiding committee of the Boule.

P. 26. τιμήματι, a new suggestion of Mr. Wyse with which we cordially agree.

P. 40. A brief quotation from Head's *Historia Numorum*², the main part of the note on Solon's coinage remaining unaltered.

P. 41. ἐποίησε. Professor Ridgeway's explanation of the 63 minae is now discarded in favour of Mr. Hill's trade-talent.

P. 69. Ἰοφῶν is said to be 'not mentioned elsewhere as a son of Peisistratus', which accords ill with the passage from Plutarch quoted on the next page.

P. 82. A new view, due to Mr. Wyse, of the meaning of ἐξετάζειν τὰ γένη.

P. 84. The note on the demes is remodelled and the suggestion δέκαχα in Her. v. 69 approved. The number of known demes seems to have sunk from 168 to 145.

P. 86. New translations of οὐ γὰρ ἅπαντες ἐνῆρχον ἔτι τοῖς τόποις: but the meaning surely is 'For no longer (since Cleisthenes introduced his newfangled kind of deme) could all the demes be found ready made (thus giving ἐνῆρχον its full force) in the existing villages'.

P. 90. διαλιπόντες, a curious new note almost suggesting that there had been an ostracism every year except 489 and 488.

P. 108. Mr. Munro's double system of chronology for the life of Themistocles is quoted, but without discussion.

P. 123. The Polydorus of c. 29 is distinguished from the son of Ἐπίζηλος as belonging to a different tribe.

P. 128. ἐκατὸν ἄνδρες, a new note, containing, however, nothing of interest.

P. 133. ἐκ προκρίταν. The note is amplified, but its general tenor remains unaltered.

P. 149. ἄλλους εἵλοντο δέκα, a new note on the second board of Ten.

P. 159. *Corpus Inscr. Gr.*, Sept 3499, is aptly quoted for the assumption of a right of initiative by the Ecclesia.

P. 168. The alteration of κρηῶν into κοινῶν is definitely abandoned and the ταμίαι τῆς κοινῆς προσόδου relegated to a later date, not quite consistently with n. 5 on p. xlix.

P. 181. καταγνοῦσα. Foucart's defence of the reading is quoted.

P. 214. New note on Ἡφαίστεια.

P. 229. The trials ἐν Φρεαττοῖ 'had obviously long been obsolete'.

P. 230. The name ἐφέται may have been given to the ordinary dikasts of the fourth century when sitting at the Palladium or Delphinium: this suggestion would reconcile the present passage with those in Demosthenes and Isaeus, where such cases seem to come before δικασταί.

P. 234. The speech against Leptines is held to be part of a γραφή νόμον μὴ ἐπιτήδειον θεῖναι, and such γραφαί are distinguished from the γραφή παρανόμων proper.

P. 241. διατάττουσι: the date of the division of functions among the strategi is now given as 352 B.C., when the general ἐπὶ τὴν φυλακὴν τῆς χώρας first appears.

The commentary on cc. 64 and following is considerably enlarged.

It will readily be seen that the additional matter is small in amount and the alterations few: the larger notes remain as they were for the most part. We may now consider some omissions. The references to Bishop Hicks and Dittenberger are still to the old editions, though the new are mentioned in the bibliography: in the latter case it is confusing to find Ditt. no. 44 and no. 101 and Dittenberger 395¹ referred to in the same chapter when the same edition is meant in both cases. Meier and Schömann

are still quoted where a reference to the newer work of Lipsius might have been expected (e.g. in the note on *εἰσαγγελία* 29. 4). In the notes on c. 4 we find no mention of Cicero's apparent reference to the Draconian Constitution (*De Rep.* ii. 1). P. 89. Among the authorities on ostracism should have been noticed the elaborate treatise of Carcopino in the *Mélanges d'Histoire Ancienne* of the University of Paris. P. 99. The note on *φόρος* is still inadequate: a serious crux like the Aristidean *φόρος* deserved fuller treatment. P. 107. In the note on *ἐπιθετα* no attempt is made to explain why functions which had belonged to the Areopagus even before Solon should be so described. P. 119. The *διωβελία* is still identified with the Theorikon, and no reference is given to the financial inscriptions of 410/9 and 407/6, in which it appears so frequently. The possible technical meaning of *ἐπόρσει* is also missed. P. 124. An old mistake is uncorrected, viz. the identification of the *προϋπάρχοντες δέκα πρόβουλοι* of c. 29 with the ten *ἐνγγραφεῖς* of Thuc. viii. 67 instead of with the *ἀρχὴ πρεσβυτέρων ἀνδρῶν* of Thuc. viii. 1. P. 140. The four councils of c. 30 are still described as councils of Four Hundred: there is no authority in the text for this number, and it is difficult to see why the members of the 5,000 above the age of 30 should necessarily number 1,600. Pp. 229–31. It is by no means made clear whether the court at the Prytaneum was composed of Ephetae under the presidency of the Basileus and Phylobasileis or actually consisted of the five 'Kings'. On p. 229 the Ephetae are said to have sat in four courts ('presided over' is surely an inexactness of expression), but on p. 230 we hear only of Palladium, Delphinium, and Phreatto. Yet on p. 231 the five 'Kings' are said to have merely 'presided' over the Prytaneum court, which was therefore presumably composed of Ephetae. We believe that the five actually composed the court, as is shown by the word *δικάζει*, which is carefully used throughout the chapter of the jurors and not of the President. P. 230. In the note on *τὸν στέφανον* no allusion is made to the ingenious theory which, again giving *δικάζη* its full force, supposes that along with his crown the Basileus takes off the *ἡγεμονία τοῦ δικαστηρίου*, becomes a mere juror, and assists the Ephetae (who therefore normally number 50) in finding a verdict. So apparently Pollux read the passage (*σὺν αὐτοῖς δικάζει*).

But these are small matters. More important are two places where the whole spirit of the commentary seems to us out of date. The first is the Draconian Constitution. The case against its authenticity has grown stronger with years: its features have become more suspicious on a closer scrutiny, its provenance more easy to explain. We conceive that very few historians to-day regard it as anything but a figment, vainly imagined by political theorists of a later age. Yet Sir J. Sandys leaves his old notes practically unaltered: he does not even note the gravity of the admission that *πρυτάνεις* means 'Presidents of the council': and by putting the indictment in the mouth of Mr. Headlam alone he greatly lessens its force. No one would imagine from these notes how discredited the chapter really is. The cautious treatment which was appropriate enough in 1893 is actually misleading in 1912. Even more disappointing are the notes on the Four Hundred. This is a subject which has exercised the ingenuity of scholars for the last twenty-one years, and the question by no means

remains just where it was. The literature of the subject is duly quoted in the bibliography, but the results are nowhere visible in the commentary. The marked difference in spirit between the two constitutions, the parallel of the four councils of Boeotia, the suspicious interregnum between the 14th and the 22nd of Thargelion, the probable identity of the 100 *καταλογεῖς* and the 100 *ἀναγράφοντες τὴν πολιτείαν*, the possibility that both constitutions existed merely on paper, the date at which they were confirmed *ὑπὸ τοῦ πλῆθους*, the proof supplied by Lysias that the 400 were in office before the list of the 5,000 was drawn up, the possibility that the five *πρόεδροι* of Thucydides reappear as the five 'tellers' of c. 30—all these really important points we have searched for in vain. And the result is that the notes give no idea of the present state of the controversy.

In disputed and intricate questions such as this the mature and learned judgement of Sir J. Sandys would have been a valuable guide through the maze of modern theories; at any rate the theories should have been quoted. We think it is to be regretted that this edition should have been published without being brought thoroughly up to date in these respects. So far as the larger historical issues are concerned, it is little more valuable than the old.

H. J. CUNNINGHAM.

Companion to Roman History. By H. STUART JONES, M.A. (Oxford: Clarendon Press, 1912.)

THE subjects with which Mr. Stuart Jones concerns himself in this work are architecture, war, religion, production and distribution, money, public amusements, and art; while an introductory chapter takes up the earliest settlements of the Italians, the development of the town and land system and of Rome, and the various roads and sea-routes. The book is lavishly illustrated by sixty-five figures, eighty plates, and seven maps and plans; the right kind of bibliography is appended to every section of every subject; and there are three excellent indexes—one general, one of Latin terms, and one of Greek terms. The work as planned contains just what it ought to contain, erring in the way neither of excess nor of defect.

When we turn to a consideration of the manner in which the plan has been carried out, the general impression left upon the reader's mind may best be set down as one of wonder at the extraordinary combination of lucidity, brevity, and completeness achieved by the author. A remarkable instance will be found in the pages which deal with the earliest inhabitants of Italy and their settlements: the account there given is a masterpiece of clear, succinct description. No doubt this success is in great part due to the fact that Mr. Stuart Jones possesses a real knowledge of the matters with which he deals; his book shows in every section a thorough acquaintance with the works of the specialists, combined with a highly developed critical faculty. The reader may accordingly peruse this work with the comfortable feeling that it is quite up to date, and that the information given to him is always a defensible and strongly supported inference from the evidence available, even though it may not always be the correct inference. Amid such a mass of details it is, of course,

inevitable that this should sometimes be the case; at the same time it must never be forgotten that in any given instance Mr. Stuart Jones may be right and the dissentient wrong.

We may take as an illustration the chapter on religion. This is divided into four sections, the first of which deals with the salient features of the native Roman religion. It occupies barely two pages, yet I can find no essential omission, although every lecturer knows that he can spend several hours on this subject without the smallest apparent trace of padding. But I venture to think that Mr. Stuart Jones exaggerates the business-like aspect of early Roman religion, and that he does the word *religio* less than justice by giving 'obligation' and nothing more as its meaning. No people, above all no early people, could face its unseen objects of worship, whatever their nature, in such a spirit as this; and since *religio* signified the attitude of the Romans to their gods, it must have meant an obligation differing in kind from that imposed upon two men towards each other by a contract. It must have implied, as Aust says,¹ 'das Verhältnis der Gebundenheit, der Abhängigkeit von einer höheren Macht, das Gefühl der Verbindlichkeit und Verpflichtung dieser gegenüber.' The second section deals with private worship, including *confarreatio* and burial; it is again extremely good, but I find myself at a loss before two statements. The first concerns the Penates: Mr. Stuart Jones says (p. 270) that

in historical times the original significance of the name [spirits of the store-cupboard] had been entirely lost. In place of the impersonal spirits who watched over the accumulated store of the household, each family worshipped certain of the higher gods which for some reason or another claimed its special devotion.

The word 'entirely' is surely too strong in view of such a passage as Cicero, *de Nat. Deor.* ii. 68, where the derivation from *penus* is expressly mentioned. As to the rest, no doubt the spirits of the store-cupboard did come to be represented by definite gods, but even so I should prefer to say that the latter were invested with the significance and attributes of the *di Penates*, not that they replaced them. Again, we read (p. 276): 'It is noteworthy that the long list of *numina* which presided over each stage in a Roman's life includes none which assisted him in his last hour.' Unless Mr. Stuart Jones is placing some alien sense on the word 'assisted', it seems impossible to reconcile this with the statement of St. Augustine, *De Civ.* vi. 9:

Denique et ipse Varro commemorare et enumerare deos coepit a conceptione hominis, quorum numerum exorsus est a Iano; eamque seriem perduxit usque ad decrepiti hominis mortem, et deos ad ipsum hominem pertinentes clausit ad Neniam deam, quae in funeribus senum cantatur.

Besides, Tertullian mentions, as gods of the hour of death, Viduus, Caeculus, Orbana, and Mortis dea. The third section deals with public worship, and gives a succinct account of the festivals, the vestals, the Salii, and other colleges, the cult of the emperors, and ritual; while the fourth section, on religious associations, includes a very interesting account of Mithraism. The whole chapter conducts the reader—even the careless reader—from the beginning to the end of Roman religion, and with due

¹ *Die Religion der Römer*, p. 26.

notice of its various stages ; we may sum the entire matter up by saying that the skill and the excellence displayed are at least fully equalled by the other chapters to which I have made no special reference. A special word of praise is due, however, to the map showing the roads and sea-routes of the Roman empire, and to the corresponding text, in which the writer has carefully noted the military roads. W. A. GOLIGHER.

Problems of the Roman Criminal Law. By J. L. STRACHAN-DAVIDSON.
2 vols. (Oxford : Clarendon Press, 1912.)

READERS of the *English Historical Review* will not have forgotten the weighty criticism of Mommsen's *Römisches Strafrecht*, contributed by the present Master of Balliol in 1901. The volumes before us (upon which the Clarendon Press has lavished all the resources of its typography) are an expansion of that criticism, and their author wishes them 'to be regarded as, in the main, a supplement to Mommsen', in which attention is concentrated 'on certain definite problems and difficulties, lying thickly along the main lines of the subject, which seem to call urgently for solution'. Of their urgency there can, indeed, be no doubt ; for what can we be said to know of Roman criminal law and procedure when high authorities differ on questions as fundamental as these—whether the capital jurisdiction of the people was or was not normally exercised on the appeal of a condemned person against the sentence of the magistrate, whether the right of *provocatio* was subject to any legal limitation in the Republican period, and whether exile was recognized as a substantive penalty by Roman criminal jurisprudence or was merely a way of escape open to the convicted felon ? What, again, became of the common malefactor in Republican Rome ? No convincing answer has hitherto been given to this question—nor to another and an equally obvious one, how were murders committed in the *municipia* of Italy punished ?

Towards the solution of these problems the Master of Balliol has made a notable contribution. Where his object is to reinforce doctrines already laid down by Mommsen, he brings into relief many details which Mommsen had treated summarily, and throughout passes in review the arguments of other scholars—a task which for lack of time and space Mommsen expressly declined. For English readers, at any rate, it is instructive to be shown how and why so great a jurist as Sir Henry Maine fell into error with regard to the fundamental principles of Roman criminal law ; and Greenidge's ingenious but inconclusive arguments in favour of an unlimited *imperium* enjoyed by the magistrate outside the walls of Rome furnish the text for a valuable chapter. In this connexion we may notice Mr. Strachan-Davidson's treatment of the famous crux in the *Jugurtha* of Sallust, who records the scourging and beheading of Turpilius, the commandant who betrayed Vaga into the hands of the Numidians, concluding with the words *nam is civis ex Latia erat*. Greenidge believed that Turpilius was a Latin who had acquired Roman citizenship and was therefore subject to penalties which could not have been inflicted on him had he remained a Latin and thus continued to enjoy the immunity granted by the law of the elder Drusus, proposed, according to Plutarch, in

122 B.C. The view that this measure actually placed Latins in a position superior to that of the Romans rightly seems to the Master of Balliol to be incredible (it has recently been maintained by Mr. Caspari in the *Classical Quarterly*); and he escapes it by translating *civis ex Latio*, 'a citizen of a Latin town'—a rendering in which Professor J. S. Reid, in a recently published article in the *Journal of Roman Studies*, concurs. Thus interpreted, however, the expression is forced and unnatural; moreover, Appian (*Numid.* 3) distinctly states that Turpilius was a Roman citizen. We must, therefore, I think, adopt Greenidge's rendering of the words *civis ex Latio*. It does not, however, follow that the inference which he draws from the passage is correct. The difficulties of the passage may, as I believe, be removed by a consideration of the meaning to be given to the word *nam*. This particle does not, I feel sure, here possess the explanatory force which belongs to it in ordinary classical usage, but is employed in the elliptical construction ('I say this, for . . .') so familiar in Latin comedy. This usage may be illustrated from almost every play of Plautus, and reference may be made to Professor Lindsay's notes on *Captivi* 464 and 478, where many examples are given of a special variety of the ellipse; but there are closer parallels to the passage of Sallust in *Aul.* 28, *Menaechm.* 63, *Truc.* 91, where *nam* in narrative practically means 'You must know that . . .' Sallust is, in fact, reviving (as he so often does) a somewhat archaic usage; similar elliptical constructions of *nam* will be found in *Jug.* 19. 1 and 102. 11, and *nam quid* is used after the fashion of the comic poets in the letter of Mithradates cited from the *Histories*. It is not surprising that modern critics have missed the true force of *nam* in the passage before us, for both the Auctor ad Herennium (ii. 23. 35) and Cicero (*Inv.* i. 50. 95) likewise failed to grasp its significance in a typical passage of Plautus (*Trin.* 25).

Perhaps the most important doctrine of Mommsen which Mr. Strachan-Davidson seeks to controvert is that the *exilium* which befell a criminal convicted by the *quaestiones perpetuae* of the Ciceronian period was a substantive penalty enacted by the Sullan code, and not, as it certainly was in the days before Sulla, a means of escape by which the condemned person saved his skin, throwing off the slough of Roman citizenship in order to assume that of some friendly state. Mr. Strachan-Davidson threshes out the whole question in the first three chapters of his second volume, and makes out a convincing case for his view, amplifying and reinforcing the arguments put forward twelve years ago in this Review. The establishment of this thesis is a solid gain; and it is hard to believe that it will be shaken. It may be worth pointing out that the expression *solum vertere* (for voluntary exile) survives in literature after the time of Tiberius, when, according to Mr. Strachan-Davidson, 'the word and the thing together disappear'; it is found in Petronius (c. 81) and Juvenal (11. 49) of bankrupts who escape their creditors by a change of residence.

Amongst the many ingenious suggestions here made for the removal of old difficulties special mention may be made of the interpretation of the first clause of the *Lex Cornelia de sicariis*, cited in the *Collatio Legum Mosaeicarum et Romanarum*, which has caused many searchings of heart. It has usually been held that Sulla's law only applied to crimes committed

within one mile of Rome ; and jurists have been hard put to it to explain how and by what process the perpetrators of murders in the *municipia* or elsewhere were tried. Mr. Strachan-Davidson infers from the use of the words *ejus quod in urbe Roma propiusve mille passus factum sit* that clause one was followed by others specifying a somewhat different procedure for the extra-urban territory, and the problem is thereby made easy of solution.

For the sake of completeness Mr. Strachan-Davidson has added chapters on Criminal Procedure under the Principate, in order, as he says, 'to trace the history of the Roman Criminal Law to its miserable end.' The time has, perhaps, not yet come for a systematic exposition of the criminal jurisprudence of the Codes ; a second Mommsen is needed to clear the path. Mr. Strachan-Davidson does not seem to be as much at home here as in the history of the Republic ; what he writes of the *curagendarii* or *curiosi*, for example, might be revised in the light of Seeck's account of the *agentes in rebus* (to use the name by which these officials are best known).

In the course of an interesting comparison between Roman and English rules of evidence Mr. Strachan-Davidson remarks that 'the English law forbids the character and former misdeeds of the defendant to be brought up as evidence of his guilt, unless the issue of his character has been first raised by the defendant himself'. A second exception was recently created by legislation, and has been proved in a *cause célèbre* to be of considerable importance.

The law (or collection of laws or fragments) found at Heraclea is cited throughout, in accordance with custom, as *Lex Julia Municipalis*. Would that Mr. Strachan-Davidson would devote his acumen to settling the question of what this document really is !

H. STUART JONES.

Marius, Saturninus, und Glaucia ; Beiträge zur Geschichte der Jahre 106-100 v. Chr. Von Dr. FREDERICK WALTER ROBINSON, M.A. (Bonn : Marcus & Weber, 1912.)

THIS is the third part of a series of historical studies by members of the University of Jena, edited by Professors A. Cartellieri and Judeich. The plan includes both modern and ancient history ; the first part dealt with our own William of Newburgh,¹ and the second also had a medieval subject. The one before us contains 135 pages of careful investigation, but is unfortunately unprovided with an index, or even a detailed synopsis. It is to be hoped that in future, when issuing a piece of work like this, which teems with proper names, the editors will insist on having at least an *index nominum*.

These six years, ending with the sad and revolutionary year 100 B.C., are among the most obscure and difficult in Roman history, and if a treatise of this kind fails to throw much new light upon them, the fault is rather with the available materials than with the writer. No new materials are available (with a single possible exception to be noticed directly), and all that can be done is to examine the ancient authorities once again with all possible care, and in the light of the best modern

¹ See *ante*, xxvii. 808.

criticism, such as that of Kornemann, E. Meyer, and others of less note. The older critics, too, are given their due, especially Mommsen and the still valuable Lange; and the late lamented Dr. Greenidge has been available, but not Dr. Heitland, nor the Master of Balliol's second volume of *Problems of the Roman Criminal Law*, which at several points touches on judicial events of this time. The result is good, if not strikingly so, and the little book is to be recommended to all serious students of the period.

Two points of detail may be touched upon here. The first is the author's interpretation of the character of Marius, which differs considerably from the usual one. Dr. Robinson rightly (as we think) gives more credit to Plutarch's delineation of Marius than most recent critics, who have beyond doubt gone too far in depreciating its value; if we have not the real Marius in Plutarch, as we may safely believe that we have the real C. Gracchus, we have him, at least, as seen by a contemporary, even if a hostile one. In political life, according to our author, Marius was nervous, over-anxious to look well in the estimation of others, too apt to justify himself unnecessarily, easily influenced by others (p. 52). Ch. ii, sec. 5, which deals with this subject, is one of the best parts of the work. Secondly, following in the footsteps of Dr. R. Maschke (*Zur Theorie und Geschichte der römischen Agrargesetze*, Tübingen, 1906), Dr. Robinson claims that we have a new authority for this period in our old friend the *Lex incerta reperta Bantiae*, which Mommsen placed between the years 132 and 118, simply because *tresviri agris dandis assignandis* are mentioned in it, and cannot well be other than those acting under the Gracchan agrarian laws, which ceased to work in 118. Dr. Maschke, however, declares that Mommsen here made a serious blunder; that in the list of magistrates of the current year who are to take the oath under this law, he wrongly filled up a lacuna from the list of those of the *succeeding* year given immediately afterwards in the text, and including the *tresviri a. d. a.* This, according to Dr. Maschke, is to make this line or verse of the inscription too long by some nine letters; but if the *tresviri a. d. a.* be excluded from the text the line will be of its right length. Dr. Maschke then jumps to the conclusion that the year of the law must be 100 B.C., in which there were no such *tresviri* holding office, but in which, under Saturninus's agrarian law, they were appointed for the following year. But were they so appointed? The point cannot be argued here, but after re-reading Mommsen's discussion of the inscription in the first volume of the *Corpus*, those who have been tempted from the safe path by the reasoning of Dr. Maschke and Dr. Robinson will probably be glad to feel themselves on solid ground again. And truly, even if we accept the hypothesis that this fragment of a law belongs to that of Saturninus which was meant to ruin Metellus, the gain for the history of the year 100 is not very great. W. WARDE FOWLER.

Studies in Early Church History. Collected Papers. By CUTHBERT HAMILTON TURNER, M.A., Fellow of Magdalen College, Oxford, Fellow of the British Academy. (Oxford: Clarendon Press, 1912.)

THE essays brought together in this volume are characterized by the lucidity and insight, the freshness and independence, the attention to

detail combined with attractiveness of style, which we have come to expect in anything that Mr. Turner writes. Though the most recent of them were first published nearly twenty years ago, and though important works have since appeared on several of the subjects with which they deal, it is well that they have been reprinted in their present form. For they have a permanent value; and Mr. Turner's readers will be surprised to observe how little he has to retract after a quarter of a century of thought and research.

The first three papers discuss the organization of the primitive church, and form a valuable supplement to the chapter on the same subject contributed by their author to the *Cambridge Medieval History*. The first of the three will probably be deemed by many readers the most interesting. Its main purpose is to fix the date of the *Didache* by assigning to it its true place in the series of documents in which we can trace the gradual disappearance of the charismatic, and the gradual evolution of the local ministry. On the history of this development Mr. Turner throws much welcome light. But it was not to be expected that on so debatable a subject all his reasoning should command assent. Thus, for instance, he makes use of the obscure statement of the anonymous writer on Montanism (Eus. *H. E.* v. 17): 'The apostle holds that the prophetic charisma must exist in the whole Church till the consummation of the parousia.' But in doing so he scarcely makes sufficient allowance for the *ad hominem* element in the argument in which it occurs, the existence of which must be admitted if we are to believe that it had any force against the Montanists. It is at least possible to suppose that in the words referred to the Anonymous is not speaking in his own person, but ironically quoting from his opponents. Again, if it be true, as it seems to be, that presbyters and deacons are hidden under the 'helps and governments' of 1 Cor. xii. 28 (*Cambridge Medieval Hist.* i. 144), the cogency of the inference (p. 31) that the *Teaching* is later than 1 Cor. is somewhat weakened. On the other hand, the conjecture that the picture of Peregrinus drawn by Lucian is in part a caricature of Montanus is not only effective for Mr. Turner's immediate purpose, but of considerable importance for the student of the Montanist movement. This is but one of many valuable suggestions in the essay.

Quite different in kind from this trilogy is the paper on St. Cyprian's correspondence. It is an admirable though incomplete introduction to that fascinating collection of letters. The dates of letters are discussed, and results are sometimes reached which are at variance with those of the *magnum opus* of Archbishop Benson. In such cases it is not always clear that the archbishop is right. Our only complaint of this essay is that it is too short. Its limitation to the epistles connected with the Decian Persecution and the Novatianist Schism can, no doubt, be defended. It is not inopportune, as Mr. Turner says,

to take leave of [St. Cyprian] at a moment when he had triumphantly guided his own community and the whole Western Church through the difficulties of external trial and internal strife, in the presence of onslaughts against him from the one side and from the other, indifferent so long as his great ideal was even approximately realized of the unity and close communion of each bishop with his church, summed up in the communion of all bishops with one another, the symbol of the oneness of the Holy Church Universal.

True: but we regret none the less that the treatment so successfully applied to the earlier epistles has not been extended to the rest. If this had been done the essay would have been an entirely adequate introduction to the correspondence.

Several of the papers have been inspired, to a greater or less extent, by Sir William Ramsay's *Church in the Roman Empire*. Of these the essay on St. John in Asia Minor (vii) is concerned with the interpretation of the Apocalypse. Here Mr. Turner appeals to Tertullian's reference to the legend of St. John before the Latin gate as evidence that the apostle had visited Rome before he was sent to Patmos, and thinks that the memory of this visit coloured many passages of his vision. This view has some support from the fragments of Hegesippus quoted by Eusebius. For a careful examination of them seems to show that Hegesippus alluded to the banishment of St. John, and connected it with the edict of Domitian under which the grandsons of Jude were summoned to Rome, and were there put on their trial as relatives of the Lord. The theory, tentatively proposed, that the two witnesses of Rev. xi. 3 were St. Peter and St. Paul is striking; and is at least as probable as any other that has been offered, supposing that the witnesses are really 'two definite persons'—which, like many other assumptions made by interpreters of the Apocalypse, is open to question. Mr. Turner is almost always up to date. But he ought not to have allowed the statement to stand that the Harklean is the earliest Syriac version of the Apocalypse. Fifteen years ago Dr. Gwynn edited an earlier text, allied to, if not part of, the Philoxenian version of the New Testament. The paper on St. Paul in Asia Minor (vi) is for the most part only a summary, though an excellent summary, of Sir W. Ramsay's argument for the 'South Galatian' theory. But it contains also some useful criticisms of his theories about the Codex Bezae and the Acts of Paul and Thecla. We find also some sane criticism of Sir W. Ramsay in the last paper, on St. Clement's epistle and the church of Rome. There is good sense in the remark concerning the fire at Rome under Nero:

The 'vast multitude' who suffered—vast enough to sate the thirst for blood and excite the commiseration even of Roman society—cannot all have been seriously charged as conspirators even on fabricated evidence. Their very numbers made the transition from definite charges of crime to the comprehensive accusation of Christianity a natural and almost a necessary one.

This is the starting-point of a brief but weighty argument against Sir W. Ramsay's date for the beginning of prosecutions for the Name, and his view of the date of 1 Peter. But perhaps the most interesting part of the paper is the account of the early Latin version of St. Clement's epistle, and its bearing on the question of the period of the latinization of the Roman church. The value of the version as a witness to the text of the epistle is examined in an appendix.

It is not possible to do more than mention the instructive paper on the Early Chronicles of the Western Church (v). But enough has been said to show that Mr. Turner's volume is an important contribution to the study of early church history.

H. J. LAWLOR.

Der heilige Georg in der griechischen Überlieferung. Von KARL KRUMBACHER.

Aus dem Nachlasse des Verfassers herausgegeben von Albert Ehrhard.

(*Abhandlungen der K. Bayerischen Akademie der Wissenschaften, Philosophisch-philologische und historische Klasse*, xxv. 3. Munich, 1911.)

THIS posthumous work of the great Byzantine scholar is in every way worthy of him. It does not, indeed, include all that Professor Krumbacher had designed; but the portion which Professor Ehrhard has given us (and it is by far the largest part of the whole) does not really suffer from the absence of the rest. We should have been glad, of course, to have the immense erudition and the sound sense of Krumbacher brought to bear upon the mythology of the George legend and on the history of the cult; but what is achieved in this book is the settlement of the oldest form of the legend, and that is an achievement of primary importance. A descriptive bibliography of the legend, almost wholly the work of Professor Ehrhard, occupies twenty-two pages of small print in this volume. Only an insignificant fraction of the writers enumerated, however, have occupied themselves with the study of the Greek acts of St. George; no one before Krumbacher has made a systematic study of them. Yet Krumbacher has shown that it is in these, and not in the Latin or oriental acts, that the oldest attestation of the legend is to be found.

The main points of the history, which I venture to think he has established once for all, are these. There may very probably have been a real martyr of the name of George. If there was, we know absolutely nothing of his personality, or of the circumstances under which he met his death. At some time in the fifth century a 'Volksbuch', a chap-book, was written about his martyrdom. It was full of the wildest miracles, and, one would suppose, could hardly have been taken seriously by any one but a child. Some distinguishing points in it are that the persecutor is Dadianos, king of Persia, with whom are associated seventy-two other kings; that George dies under his torments (which spread over seven years) three or four times before he is finally beheaded; that he converts an Empress Alexandra, who is executed, and a magician Athanasius; and that he performs a curious miracle of feeding a widow, and makes a tree grow out of an old chair in her cottage. In the first form of the story we hear nothing of George's parents.

Before many years had passed it was felt that at least the Persian king, Dadianos, with his seventy-two assessors, was an improbability; and accordingly we have a group of texts which, while retaining most of the sensational incidents, substitute Diocletian for Dadianos. George is provided with parents, a Christian mother Polychronia who is martyred with him, and a father Gerontios, whom he converts and who dies before the real story begins. Other modifications are made: the empress, for instance, dies a natural death on the way to execution. And by degrees we come down to a fairly commonplace narrative of the martyrdom of a brilliant young soldier who declares himself a Christian and is beheaded after undergoing a certain number of torments. The process of simplification is followed out by Krumbacher with wonderful care and clear-

sightedness through the maze of later Passions, hymns, and Byzantine encomia down to a panegyric written by a student at the Collegio Greco of Rome at the end of the sixteenth century. He demonstrates once for all the priority of the Greek texts, and, among them, of the 'Dadianos-type'; and gives us a large selection of texts of all types—eleven of them previously inedited. The earliest representative of the Dadianos-type is a fragmentary Vienna palimpsest of the fifth to sixth century. Late manuscripts at Athens, Venice, Berroia (Verria), and elsewhere preserve important relics of this text, which is also the source of the Latin and oriental versions: among these last, the Coptic, edited by Dr. Budge in 1888, is perhaps the most valuable. It was this highly fabulous 'Volksbuch' (we owe Krumbacher a debt of gratitude for this illuminating name) which was condemned, along with the equally strange acts of SS. Cerycus and Julitta, in the *Decretum Gelasianum*. That *Decretum*, as Professor von Dobschütz in a recent masterly investigation has told us, must be regarded as a private venture by an unknown hand, put together early in the sixth century.

It is probably not out of place to remind the reader that the story of St. George and the Dragon has no place in the martyr's acts. There is but the briefest mention of it in Krumbacher's pages; but it has been investigated by J. B. Aufhauser in a separate monograph published in 1911. Another once popular notion with regard to St. George—namely, that his legend grew out of the events connected with George the semi-Arian bishop of Alexandria—receives the *coup de grâce* which it deserved on pp. 304–17 of Krumbacher's volume.

To enumerate all the points of interest in this remarkable study is clearly impossible. One final word shall be said as to its *genesis*. Like many others of Krumbacher's special investigations, we are told, it arose out of an obscure allusion in a hymn of the poet Romanos. Krumbacher's efforts to find the source from which Romanos had drawn led to the production of a monograph perhaps unrivalled, certainly pre-eminent, among hagiographical studies.

M. R. JAMES.

Essays on Questions connected with the Old English poem of Beowulf. By KNUT STJERNA, Ph.D. Translated from the Swedish, with critical introduction, indexes and maps, by JOHN R. CLARK HALL, M.A., Ph.D. (Viking Club, 1912.)

PRIMARILY written for Swedish readers, the essays presented to us in English dress in this volume are a valuable addition to the literature dealing with the 'Beowulf' poem. Their interest of course is principally literary; but there is a thick substratum of material which has an historical bearing. They break practically fresh ground in offering archaeological material as evidence for the dates of the original theme of the poem, of the carrying of the lays to England, as well as of the final weaving into the form in which it has come down to us. Dr. Stjerna is mainly concerned with the first two of the above-mentioned stages. His material is therefore necessarily drawn from Scandinavia, and his conclusions are important and far-reaching. The Beowulf lays represent admittedly an echo-

of a period of vital import for Scandinavian lands, which extended right through the migration period down to the time when the Swedes succeeded in thrusting back the Geatic element to the southern end of the peninsula, thus throwing them into still closer relations than before with their Danish allies. A great deal of Dr. Stjerna's argument is based on an hypothesis which he seeks to prove, namely, that the downfall of the Geats, except in the islands of Gotland, Bornholm, and the south-west corner of the peninsula, may be assigned to the years immediately round A.D. 500. This argument is based partly on an examination of the antiquities of the period, which seem to show an intrusion of types and motives belonging to the region further north, and a cessation in the development of other classes, like the wonderful gold collars found principally in West Götland and Öland, and partly on the distribution of gold *solidi* in northern lands. Of these by far the greater number come from the islands of Öland, Bornholm, and Gotland, particularly from the two former. The total amounted to over three-quarters of the *solidi* known from the whole of Scandinavia and Denmark. Nearly six-sevenths are of emperors prior to Anastasius (491-518), and it is noticed that those of Anastasius's predecessor, Zeno, are much scarcer in Öland than in the other two islands, while of Anastasius none come from Öland, eight from Bornholm, and thirty-three from Gotland.

Relying on these facts, Dr. Stjerna dates the conquest of Öland by the Swedes about the year 500. It is in this island that Dr. Stjerna would place the scene of many of Beowulf's exploits as well as the seat of Geatish government. The difficulties underlying this assumption are well met by the translator in his footnotes on pages 89 and 93, in which he draws particular attention to the one certain historical fact in Beowulf, namely, that it was from Geatland—and therefore, according to Dr. Stjerna, from Öland—that Hygelac, the Chochilaicus of Gregory of Tours, led his fateful expedition against the Frisians, an event which took place about A.D. 515. Dr. Stjerna's position appears to be even more untenable when, as the result of a comparison of the burial-practices in vogue in different parts of Scandinavia during this period, he places the scene of Beowulf's burial also in Öland.¹ In fact Dr. Stjerna, in his desire to reach a true interpretation of the details of the Beowulf poem, is a little apt to sail his boat of archaeological evidence too near to the wind, and to put its capacities to too severe a test. Thus, in order to prove the date of the Odinshög at Gamla Uppsala,² he makes use of the system evolved in Salin's *Altgermanische Tierornamentik*, and compares a fragment of gold plate ornamented with zoomorphic design found in that tumulus with other examples of goldsmith's work from Tureholm, Südermannland. The comparison may be fair as regards what still exists of the Tureholm find, but it must be remembered that of this, the largest of all Scandinavian gold-finds, only one-tenth, weighing 12.3 grammes, was saved from the melting-pot, so that there is no means of saying at what approximate date the whole find was deposited. As Salin's Style I ends, not, as the author would have it (p. 226), about the middle of the sixth century, but about A.D. 600,³ while it begins about 450, the degenerate examples

¹ *Beowulf's Funeral Obsequies*, p. 92.

² *Ibid.* p. 224 f.

³ See Salin, p. 355.

from the Turcholm find must be more recent than 500. By placing them all a little later it would bring *Odinshög* also to a slightly later date, and thus increase enormously its value for comparison with the account of *Beowulf's* obsequies. One feels that Dr. Stjerna is so preoccupied with his theories about *Öland* that he wishes to bring all his evidence as near as may be to the same point.

Apart, however, from these theories and the dates which they involve, there can be no doubt that the comparison of the objects described in '*Beowulf*' with Scandinavian antiquities, as in '*Helmets and Swords*', '*The Dragon's Hoard*,' &c., are very valuable, for they enable us to visualize remarkably clearly the equipment and adornments of *Beowulf's* contemporaries and at the same time to understand that the descriptions are not entirely the outcome of the scop's fancy, but are true to actual life. Dr. Stjerna certainly succeeds in proving his point about the origin of the *Beowulf's* lays, but it is perhaps rather hard on England to conceive of the circle of *Aethelbert's* court, say, as incapable of imagining such bright adornments and wealth of gold as are pictured in the poem. Qualitative as well as quantitative exaggeration (p. 138) belongs to the legitimate weapons of a poet. One may also wonder why it was necessary to see in the expression in *Beowulf*, l. 2718, that 'the primeval earth-dwelling contained within it rocky arches, firm upon columns'—if it indeed is to be taken absolutely literally—more than an anachronism, or at most a *façon de parler*. The Roman vaulting in England (p. 38) seems somewhat far-fetched. The description would fit admirably one of the passage-graves of the late Neolithic period in Denmark and South Sweden, where they are well represented. These colossal grave-chambers, known in Denmark by the title of *Jætestue* or giant's grave, constructed of huge upright slabs, covered first with other slabs and then by a mound, must undoubtedly have been framed in a whole series of legends of supernatural agencies and inhabitants, and their massive construction fulfils every need of the description, particularly that of '*eorðsele*' ('earth-hall'). It is also distinctly called 'the work of giants' ('*enta gervore*,' l. 2718), though, like '*stân-bogan*', this expression, too, cannot be pressed very far. Dr. Stjerna's arguments about the inconsistencies in the description of the treasure-chamber in the '*Dragon's Hoard* in *Beowulf*' are supported apparently by contestable renderings. As the footnotes show, this is also the case in other passages, and in some instances, as in the best example of double-burial in his otherwise suggestive essay on this practice, Dr. Stjerna's archaeology appears to be slightly at fault. The idea of a gold-guarding dragon must have been widely current among Teutonic peoples, possibly brought by them from their habitat round the northern coast of the Black Sea, and recalls *Herodotus's* account of the gold-guarding gryphons of the *Arimaspi* (iv. 27). The statement in *Beowulf's Funeral Obsequies* (p. 204) that the dragon's hoard had been placed in a 'newly-constructed' barrow (*Beowulf*, l. 2244) is certainly an objection to the explanation suggested above, but as no barrow in any way satisfying every point of the descriptions in the poem was constructed in the fifth or sixth century, this expression alone need not count for much.

Dr. Clark Hall has done a great service in undertaking to collect

into one volume these essays, scattered among various Swedish journals and publications, many now unobtainable, and translate them for English readers, a task for which he is admirably qualified by his intimate knowledge of our earliest Anglo-Saxon poem. The critical introduction and footnotes, as well as the inclusion of his index of *realia* and the maps, form welcome and valuable additions. Dr. Clark Hall's translation, while adhering remarkably closely to the original, is at the same time easy and eminently readable. Exception may perhaps be taken to his rendering of the adjectives 'östgötiska' (p. 225, l. 7) and 'västgötiska' (p. 226, l. 5) by East Gothic and West Gothic respectively. It is somewhat confusing amidst the constant interchange of Gauts and Geats and the not infrequent mention of the Goths proper of Central Europe. His West Götland used adjectivally (p. 233, l. 8) is preferable, but, as 'västgötiska' is the adjective of 'Västergötland' in Swedish, it might have been rendered in English by West Götish with equal legitimacy. It would have been still more consistent to have substituted Gaut- for Göt- in both cases, as 'Götar' is translated by Gauts in the essay on 'the Swedes and Geats during the migration period' (see also footnote to p. xxiv).

E. THURLOW LEEDS.

The Exchequer in the Twelfth Century; the Ford Lectures delivered in the University of Oxford in Michaelmas term 1911. By REGINALD L. POOLE, M.A., LL.D. (Oxford: Clarendon Press, 1912.)

THE peculiar charm pervading the *Dialogus de Scaccario* cannot be due to its literary garb, its only element that is borrowed (possibly from St. Gregory). Its author and Glanvill stand chronologically just in the middle between the compiler of the *Leges Henrici* and Bracton, who both of them, though widely different otherwise, suffer under the spell of a foreign legal system; furthermore Richard and Glanvill live in an age when theology, philosophy, science, and partly even history are but too fond of slavishly imitating ancient models. Nevertheless, in spite of traditions and surroundings these two officials of Henry II (Glanvill seems to owe some phrases to Richard) venture to write down nothing, excepting some Roman purple patches, but the actual facts of their own daily business, seen with the open eye of long experience and expressed in precise technical form. Any history of literature that conceives its task to show how among the manifold sides of mental activity statecraft and jurisprudence attained a literary form will have to recognize Richard fitz Neal and Glanvill as the pioneers of free realistic observation. Another attraction of the *Dialogus* and the *Tractatus de Legibus Henrici II* consists in their subject: they trace with youthful power, in easy lines not yet too esoteric, the very beginning of a system which will soon achieve a great deal more than the mere comfort of a royal court, nay, nothing less than the orderly administration of finance and justice by a centralized monarchy far in advance of the rest of Europe.

Mr. Poole corrects the text of the *Dialogus* (pp. 112, 116, 126, 148) and lucidly explains and paraphrases many passages of it. He notes

how the work long went under a wrong author's name, owing to Bale's error (possibly occasioned by a confusion with a Gervase *de Thesauro* or *clericus cancellarii* under Henry II¹). I am glad to see the genuineness of the *Dialogus* text, including the rubrics, confirmed, and the author's trustworthiness, as far as his knowledge and experience went, highly esteemed—no mean achievement in that age, when laws and still more legal manuals used so widely to differ from real conditions and records of the courts of law. Mr. Poole refrains from tracing the personal history of Roger of Salisbury, Richard's grand-uncle, of Nigel, or of Richard; he quotes instead my *Einleitung in den Dialogus*, silently passing over its many shortcomings.²

The lectures in the book before us concern the origin of the exchequer and the first century of its working. Though the preface modestly apologizes for the want of 'reserves and qualifications' on account of the form in which they are written, the reader will find every statement precise, accurate, and well based on proofs given in the notes. The style remains clear and easy even where minute technicalities of dry reckoning had to be explained; the book-keeping has nowhere been described so lucidly. The index is so full, that I need here only exceptionally quote particular pages. A bibliography would have been a boon for the future student; my brief remarks in *Mitteilungen aus histor. Litt.* xxxi (1893), 277, might possibly interest him.

The work presents us in the first place with a skilful survey of our present knowledge on its subject, diligently and judiciously gathered from the researches of Haskins, Stevenson, Turner, Davis, and above all Round, some of which have only appeared in this Review. Unprejudiced criticism makes itself felt everywhere, often without calling names. The verdict on p. 15, however, seems to me over-severe. Secondly, Mr. Poole contributes his original studies on many particular points and draws the final result for himself. The most striking feature of this earliest history of the exchequer, as compared with the opinions of the school which prevailed about 1860–80, is perhaps the chapter on the reckoning of the exchequer. The chequered cloth, to which the name of the chessboard was transferred (just as Norman jesting in that age formed castle-names from *matar* in chess³), was the machinery of an arithmetical method which, as the author proves, can only have been introduced into England a few years before 1118, when the name first occurs. Englishmen learnt that method at Laon, where Adelard of Bath, probably later on, in 1130, an officer at the English court, taught, and where Nigel, the future treasurer, studied under the brother of another famous abacist. We learn here something more of the relations between England and the

¹ See Stubbs, *Gerv. Cantuar.* i. xxxix. Gervase of Tilbury was, however, not a layman: see *Monum. Germ. hist.*, SS., xxvii. 359. Among the early antiquaries who quoted Richard's authorship from Swereford let us not forget Twysden, ap. Wilkins, *Leges Anglosax.*, 212, note 1.

² May I be allowed here to invite a more fortunate successor soon to supersede that first essay of a beginner, which after nearly forty years cannot but be antiquated? He could certainly gather a rich harvest from the pipe rolls and, for Nigel's history, from the Cotton MS. Titus, A. i. That family of organizers deserves a biography indeed.

³ Cf. Orderic, iv. 393, and Richard I's *Mategriffun*.

clergy of Laon, interesting for the general history of philosophy. Two Johns of Séz seem, according to Mr. Poole, to have assisted in the establishment of the exchequer of Normandy, shortly before 1130, in imitation of the English model.

The origin of the name and of the *computus* of the English exchequer has herewith been safely ascertained. And those two elements no doubt completed the institution; they crowned the edifice. Must we, however, see in them the essence of the administrative office? Richard, though in other respects not trustworthy as a constitutional historian, was hardly likely to underrate his grand-uncle's share in the creation of the exchequer; and he dates its origin before Roger. To my mind that essence consists rather in the permanent board of royal officers, commissioned with a function reaching far beyond that of a mere treasurer (who need not do more than receive, keep, pay, and account for the royal treasure), viz. with the duty of examining that all the sources of royal finance should really flow into the treasury, and of judicially determining what was due to the king. Mr. Poole (p. 34) himself quotes the plea of 1108-13, whereby, in opposition to the sheriff, the crown's agent, the claimant obtains the exemption of his manor from the (king's) hundred *in curia (regis) apud Wintoniam in thesauro*: 'a transaction which in later times would have been described as at the Exchequer.' May I then propose henceforth to speak of a pre-exchequer treasury court existing before 1113 and called exchequer after the adoption of a modern reckoning in 1118? Now the standard book of that court, officially quoted as *Liber de thesauro* (p. 35), was Domesday, a work that presupposes not merely an economically trained staff, such as might only gradually differ from the co-operation of the clerks of some private landowner collecting his pecuniary claims, but records also the public demands of the monarchy. Even this might seem feasible for a single treasurer assisted (as the bulk of the work would require) by a large body of delegates. Still the fact remains that in the making of Domesday recourse was had to the procedure of inquest by jury, which the king alone could entrust to commissioners with judicial powers. The men who took the inquest were king's justices, not subordinate officials of the treasury. The separate returns were certainly not worked into one book by a single officer, and therefore not by the treasurer alone, but no doubt in one public office, viz. the treasury. It does not seem to me too bold to identify this Domesday-commission with the pre-exchequer treasury-court and therefore to claim for the latter an origin before 1085. The Conqueror, when he created it did certainly not intend to limit monarchy in a constitutional sense; but the routine he introduced and the paramount authority he conferred upon Domesday could not, as Stubbs long ago taught us, but contribute to such a consequence. Possibly it is to that treasury court that the Anglo-Saxon annalist alludes in his line about Ranulf superintending all the courts of law.

Among the pre-conquest features of administration adopted by the exchequer Mr. Poole elucidates the 'blanching' of sums paid in ordinary coin.¹ The comparatively high development of the Anglo-Saxon financial

¹ White pennies were distinguished as early as the ninth century and paid not only to the king; dame Custance paid to the trouvère David *un marc d'argent ars et pesé*.

system appears also from the good coinage, the hidation or the chargeability for the ploughland all over the country, and the Danegeld (a sure argument for *Geldwirtschaft*); furthermore the way of farming out the profits of local districts to their administrator seems already to exist under Alfred, who divides the receipt of a pecuniary penalty between two counties—an unnecessary formality if these proceeds had wholly belonged to the Crown alone. The business of the English *gerefa* as well as of the Norman *iusticia* was half financial, half judicial. The differentiation of a treasurer-ship from the chamberlain's office, however, is, as Mr. Poole shows, not older than the Confessor's reign; and the name of the first known treasurer is foreign.

The age of the *Dialogus* appears from this treatise as the last stage of the transition from the meeting of the great court officers, who already then were often only theoretically present and in reality represented by deputies, to a more technical administration by permanent skilled officials. The historian of government offices, for instance of the chancery, will have to note many suggestions from this book. As the ancestors of the remembrancers appear Richard of Ilchester and Thomas Brunus, whom I should prefer not to call Brown, a form suggesting a family name. The later fortunes of the offices in the exchequer are carefully traced until their abolition or to our present age, and the different branches of chancery business, easily to be confused on account of similar names, are clearly distinguished. The grand reorganization about 1200, including the enrolling of pleas and the branching off of the chancery, is ascribed to Hubert Walter. The salary of the officers, partly in land, is duly treated; their exemption from certain public duties might be compared with the privilege claimed by the foresters in Pseudo-Cnut, forged by a contemporary of Richard. Some valuable passages turn on royal alms and liveries, on the locality of the treasure, and on the fixing of the place for common pleas. Among these I should not include the suit of a monastery against the royal guardian of an abbey (p. 180); nor should William's separation of the ecclesiastical court from state jurisdiction be placed parallel with Magna Carta 17. For general legal history we may notice the well-known essoins distinctly influenced by ties of kinship and vassalage (pp. 147 f.), and may compare the term 'dead or hopeless farm' with the claimant's *pars etsi non mortua tamen aegrior* in the *Leges Henrici* 26, 2. The statements on fines, on enrolment generally, and on the name and date of the pipe roll are of use for diplomatic. The future historian of English historical learning in the seventeenth century will observe the remarks on the preference then given to chancery records. And I for one freely confess only now to have learned the etymology of 'bank stock' (p. 89).

F. LIEBERMANN.

The Lascarids of Nicæa; the Story of an Empire in Exile. By ALICE GARDNER. (London: Methuen, 1912.)

THE Nicene Empire is of great interest to those who study the continuity of Greek history, because it was one of the three refuges of Greek independence when the Latins occupied the rest of the Hellenic world. Yet,

although there is an excellent modern work in Greek by the late Antónios Meliarákes, no history of either Nice or Trebizond has appeared in English since the time of Finlay. A large mass of new material has been accumulated for a consecutive narrative of both those empires, and it is to be hoped that Miss Gardner, who has now produced a valuable book on the dynasty of Láskaris, will next publish one on that of Grand Komnenós. The present reviewer, who has recently had occasion to traverse the same ground, can testify to the thoroughness of her research, for she has left unexamined no source with which he, at least, is acquainted.

After a long prefatory account of the fourth crusade and the Latin conquest of Constantinople, Miss Gardner describes the political, ecclesiastical, and literary history of the Nicene Empire, its conflicts with the rival Greek state which arose in Epeiros, and for a brief period blossomed out into an Empire at Salonika, and its struggles against the Latins, ending in the recovery of Constantinople. She writes appreciatively of the five Nicene emperors, who were (with the exception of John IV) all remarkable men in their different ways; and she concludes with a valuable chapter on the literature and art of the Nicene court. The men of letters, directly or indirectly connected with Nice, including that literary monarch with a temperament, Theodore II, were quite a galaxy of talent, and the autobiography of Blemmýdes seems to the present writer one of the most delightful pieces of medieval literature. Not the least valuable part of the book is the collection of illustrations, including two coloured portraits of Constantine Asên, the 'semi-Servian' who became Bulgarian Tsar, and of his consort, a daughter of Theodore II, from the church of Bojana near Sofia, and those of Kalojan, the founder of that church, and of his wife. These are, like the illuminated Slav Codex in the Vatican library, important examples of medieval art in the Balkan peninsula.

A few errors have escaped Miss Gardner's notice. She is wrong in saying (p. 56) that the *Anonymous Chronicle*, published by Sáthas,¹ describes the 'two good candidates' for the imperial dignity as being 'both named Theodore'. The anonymous chronicler states that 'both were called Constantine'. Jireček, whom she cites (p. 218, n. 1), has long abandoned his identification of 'Πῶσος Οἶπος' with Stephen Uroš I of Serbia; he now considers the person mentioned by Akropolita to be 'the Russian prince' (*úr* = lord) Rostislav of Černigov.² There is no contemporary authority for the marriage of Eudokía to any Servian ruler but Stephen 'the first-crowned'; and, correctly speaking, neither he at that time nor his predecessor (pp. 68, n. 1, 132, n. 1) at any time was 'king', but only grand-*župan*. Chomatenós was *archbishop* (pp. 122, 128) of Justiniana Prima, the modern Skoplje; Honorius III is the pope meant on p. 138; according to Papadopoulos-Kerameús the patriarchate of Eirenikós (p. 111) lasted for sixteen months. 'Methodites' (p. 59) is an obvious misprint for Metochites; the proper title of the Roman church where Peter of Courtenay was crowned is *fuori le Mura* (p. 93), and the island, mentioned on p. 119, should be Ikaria. For modern readers it might have been better to have given the present equivalents for places in Macedonia and Albania, for

¹ Μεσαιωνική Βιβλιοθήκη, vii. 448.

² *Archiv für slavische Philologie*, xxi. 622-6.

Melnik, Prilip, Berat, and other familiar Balkan sites are almost disguised in their medieval Greek forms. Nor can Michael VIII's autobiography be 'inaccessible' to Miss Gardner (p. 240, n. 2), for the text is in Greek.

WILLIAM MILLER.

Calendar of Inquisitions post Mortem and other analogous Documents.
Vol. III. (London: H.M. Stationery Office, 1912.)

THE present volume carries on this valuable calendar from 21 to 28 Edward I, so that it needs but one more to close the gap still remaining for the early years of the fourteenth century. Students of history, who were formerly dependent on the *Calendarium Genealogicum*, will appreciate the importance of this series as supplying them with fuller details of these interesting records, which prove them to be of considerable value for others than topographers and genealogists. This point is well brought out by that *Index rerum* which it was wisely decided to keep separate from the index of persons and places. It is almost impossible, however, in practice to make an 'index of subjects' really exhaustive. The list of 'English words', for instance, though remarkably long and interesting, has to exclude, of necessity, the notable surname 'Burtheyn', in Wiltshire (1282), the existence of which proves that the word 'burtheegn' must have been still in use when it was adopted as a name. In legal antiquities we do not find entered under marriage the questioned validity of a union under the *Lex Iudaica* (p. 391), to which Maitland drew attention,¹ or, under wardship, the interesting case of prerogative wardship (pp. 406-7) decided against the Crown in the parliament of Lincoln (1301). We are reminded of Maitland's article on 'Northumbrian tenures' and the difficulty they presented to lawyers² by the complaint of the earl of March that he had been distrained to pay relief contrary to precedent. The jury returned that 'he shall be "inborwe" and "uteborwe" upon the March', but whether he should pay relief they knew not (p. 42). The case of half-blood on p. 4 is mentioned in the *History of English Law*, but the matter of the earl of Cornwall's court seems to be new. The indexer renders the point as 'presentments at the Court of an Honour' (pp. 469, 724), but this interpretation may be questioned. It appears that the earl had a court at Sedgebrook (Lincolnshire), at which the reeve and four villeins of that vill presented, once a year, 'bloodshed, hue (and cry) raised, waif and park broken only.' Suit was also due to this court, once a year, from the free tenants of this and some neighbouring manors, all of the Honour of Eye. Welbourne, in another part of the county, was also an Eye manor, and the tenants there, who used to attend their local wapentake court at Skinnard bridge, had been compelled by the earls to make an attendance at this Sedgebrook court. But nothing, surely, in all this makes it a court of the Honour of Eye.

An interesting mention of a man from Whiston, Yorkshire, who 'was a scholar at Lincoln (*circ.* 1276), and at Christmas he came home, because it was vacation time' (p. 336), is indexed under Lincoln, but 'the scholars of Merton Hall' are also mentioned (p. 76). Coal mines, both in England

¹ *History of English Law* (1895), ii. 391-2.

² *Ante*, v. (1890) 625-32.

and in Scotland, occur. Among serjeanties that of the Duttons is defined as *advocaria omnium menestralorum et meretricium* (p. 146), that of mowing and feeding the king's deer at Woodstock recurs in the tenure of Stanton Harcourt (p. 75), and the hotly contested right to the office of (chief) butler is here connected with the tenure of Wymondham and Buckenham (p. 373). In details of services of all kinds the calendar is rich. As an instance of miscellaneous information one may take the mention (p. 69) of a 'sea storm' which flooded pasture in Holbeach (marsh, by Fosdyke Wash) in 15 Edward I.

The documents here calendared are often difficult to read, and the identification of the places named must have required infinite patience and no little labour. It has been accomplished with great skill, though, as is inevitable, a few slips occur. 'La Grave,' which is named with Oving (p. 435), is not Boxgrove (p. 539)—the 'Bosgrave' of Domesday—but, as I have shown,³ Groves in Oving, the 'Martinesgrave' of the *Testa*. The same error was made in the *Calendar of Charter Rolls* (i. 293). Bures, which—like its neighbour, the 'Eiland' (Nayland) of Domesday—lay right across the East Anglian border, always requires careful treatment. The Bures of p. 478 is Mount Bures in Essex, but the Bures in Suffolk of p. 132 is, of course, Bures St. Mary, not Mount Bures, which, moreover, is not in Suffolk (p. 547). The 'unspecified' holding on p. 143 was Down Hall in Bradwell by the sea, long held, as here, by the family which took from it their name.⁴ The only surprising failure I have observed is the non-identification of 'the earl of the Isle' (pp. 183, 613), a not unfrequent *alias* for the earl of Devon as lord of the Isle of Wight. On p. 38 of this very volume Margaret 'de Ripariis' appears as 'Countess of Devon and the Isle' . . . 'Countess of Albemarle and Devon and lady of the Isle.' The two inquisitions on Walter, son of William of Pelham Furneus, are treated as dealing only with a 'Walter, son of William' (pp. 71, 712)—doubtless in accordance with rules, but the same name is indexed under Pelham in the *Calendar of Fine Rolls* (i. 693), and quite rightly,⁵ for this inquisition is the starting-point of the published pedigree of the Pelhams. The 'Mancel Byset' of another inquisition was, of course, Manasses Bisset, a trusted official of Henry II, in connexion with whom he is here mentioned.⁶

J. H. ROUND.

Giulio Pomponio Leto. By VLADIMIR ZABUGHIN. Vols. I, II. (Grottaferrata: Tipografia S. Nilo, 1910, 1912.)

POMPONIUS LAETUS has been somewhat neglected by writers upon the Renaissance, and Professor Pastor in his *History of the Popes* says that a critical biography of him would be a great boon. Dr. Zabughin, who very properly points out the need of similar works concerning all the leading humanists, has set himself to supply the want. His enthusiasm may be judged from the fact that in addition to the volumes already published, two more are promised. It may be doubted if Laetus was so important as to deserve a biography on this colossal scale.

³ *Sussex Arch. Coll.* xlvii. 115.

⁵ Cf. *Liber Memorandorum de Bernewelle*, p. 242.

⁴ Cf. *Testa de Nevill*, p. 268.

⁶ Cf. *Testa de Nevill*, p. 4.

The salient facts in the life of Laetus are soon narrated. He came to Rome in poverty about 1450. According to the statement of a disciple he was an illegitimate child, his father being one of the Sanseverini, a family connected with Salerno. His contemporaries were agreed that Pomponius Laetus was an assumed name. He studied under Valla and Petrus Odus, and subsequently was appointed professor at the *Sapienza*. His house became the meeting-place of the Roman Academy, a body of young men who, as a hostile critic says, 'adopted classical names instead of those given to them in baptism,' abused Paul II over their cups, and were supposed to talk lightly of sacred subjects. Foremost among them were Platina and Callimachus (Buonacorsi). The first of these was a genial, but noisy, humanist, who, after being put to the torture on two occasions by Paul II, was made librarian of the Vatican by Sixtus IV, and paid off old scores by writing a scathing biography of his enemy in his *History of the Popes*, which he dedicated to Sixtus. Callimachus was a more sinister personage, and, according to the admissions of his friends, had something of a Catiline in him. Since, however, he was safe in Poland, while they were in the castle of St. Angelo, they may have thought him a convenient scapegoat. Laetus was in Venice when the academy was suppressed by the pope (in 1468).

Marco Barbo, the pope's brother, was chancellor of the *Sapienza*, and would not pay the stipend of Laetus, who was compelled to take private pupils in Venice. Here he was arrested by the Council of Ten on a charge of serious immorality. Before the trial took place his extradition was demanded by Paul II on the charge of complicity in the supposed conspiracy. The Ten asked that, if acquitted, he might be sent back to them *ut purgetur de turpi vitio*. The pope also bade inquiry to be made in Rome *de pessima et vitiosa conditione huius Pomponii*. Laetus, like Platina, made an abject submission. He confessed that he had sometimes eaten meat and eggs in Lent on grounds of health, but defended his orthodoxy by appealing to his verses on the Stations of the Cross, his discourse in honour of the Virgin Mary, and his treatise on the immortality of the soul. Against the particular charge of immorality he protested vigorously. In the end all the academicians were released owing to lack of evidence. After the death of Paul II Laetus was taken into favour by Sixtus IV, who calls him his *diletto figlio*, *Pomponio Balbo* (possibly a reference to the scholar's stammer), and sent him to Russia and Germany in search of manuscripts, with full power to enter monasteries and take copies of any manuscripts which he found. It is to be noticed that Laetus is silent concerning the object of his mission, and does not appear to have found any manuscripts. He seems to have spent a year in Russia, and in his various commentaries refers to the country. Thus when Valerius Flaccus (v. 585) speaks of a warrior who drank the blood of a war-horse, he remarks *et nos in Scythia vidimus*. Dr. Zabughin tells us that Russian words which he quotes are fairly correct, and credits him with some knowledge of the language. Possibly the Slavonic studies of Laetus may account for the favour which he has found with a Russian biographer. The rest of his life was spent in Rome, where as the head of the revived academy he enjoyed considerable position and influence.

The traditional view of Laetus is that he was a complete Pagan. The academy is described as a 'classical Freemasons' Lodge', and Laetus is termed 'the old Calabrian heathen'. Dr. Pastor declares that he 'despised the Christian religion and passionately inveighed against its adherents'. On one occasion the academicians visited the catacombs and recorded their visit by *graffiti* on the walls, in which they call themselves 'a company of venerators of antiquity under the leadership of the *pontifex maximus*, Pomponius'. This seems innocent enough, but Dr. Pastor denounces the 'modern heathens who ventured in the venerable vaults of the catacombs, where the very stones preach the gospel, to scrawl flippant inscriptions on the walls'. The result of Dr. Zabughin's investigations is startling. After a minute study of all Laetus's writings, he affirms that there is 'no trace of paganism, Epicureanism, or immorality in his literary work'. On the contrary he makes frequent reference to religion, terms the Arian heresy a poison more deadly than aconite, and denounces vice. According to Dr. Zabughin he was a mystic belonging to the school of Cardinal Cusa, a rigid catholic in matters of faith, and an Aristotelian in matters of philosophy.

The particular charges brought against Laetus in 1468 are discussed by the author with great fairness and candour. He does not draw positive conclusions, but presents the reader with the evidence. The impression which this creates is that Laetus was merely indiscreet. Dr. Zabughin remarks that Venice was a slander-loving city. It is a significant fact, which he does not point out, that Paul II and his brother, the chancellor of the *Sapienza*, were Venetians, and it is possible that the charge brought by the Council of Ten really emanated from Rome. Dr. Zabughin treats seriously the supposed conspiracy. The fact, however, that nothing was proved will make the reader somewhat sceptical. The Milanese envoy reports to Sforza that, despite careful inquiries, nothing has been discovered but some blustering talk of murdering the pope, which, he adds, 'may easily have arisen in the way I have already described.'

The literary remains of Laetus are very considerable. They consist chiefly of annotations in manuscripts, commentaries, and notes taken down by pupils who attended his lectures. Some of his notes got into circulation and were pirated, e. g. his commentary on Virgil. Dr. Zabughin discusses these documents at great length and illustrates them by a large number of facsimiles. It is to be regretted that he makes a number of slips. This is especially noticeable when he is speaking of a manuscript containing Cicero's *Philippics* with annotations by Laetus. Most of the readings which he ascribes to Laetus are variants found in inferior manuscripts. On one occasion where he says that Laetus anticipated Klotz in a conjecture on *Phil.* ii. 91, the truth is that this reading is found in all manuscripts except one (V). On some other occasions the argument is not easy to follow. Thus Laetus quotes Apronianus as a commentator on Virgil. The quotations generally agree with scholia found in the famous Medicean manuscript, and Laetus is held to have drawn them from this source. Dr. Zabughin agrees, but calls the question *terribilmente scabrosa*. It would not be so difficult if he quoted explicitly the chief piece of evidence, viz. the colophon in that manuscript in which Apronianus records his recension of the text.

Dr. Zabughin rates very highly the learning of Laetus. He praises him as a master of exegesis, and says that he is the chief representative of the 'scientific as opposed to the impressionist school of Humanists'. It may be well to indicate some limitations in his scholarship. At the age of forty-two he was practically ignorant of Greek, and to the end of his life he was, as Petrarch says of himself, an *elementarius Graius*. Thus in one of his last works he explains *Sauromatae* as derived from 'ομα *oculus*, σαρπα *lacerta*', i. e. 'lizard-eyed'. At an earlier period he writes 'ἡ γένη της γένικος *femina*'. As a knowledge of Greek was widely diffused at this period, such ignorance is amazing. His failure when sent by Sixtus to search for manuscripts was complete. As a textual critic he achieved very moderate success. None of his corrections show the acuteness which characterizes the work of numerous contemporaries. He was not an originator of great ideas like Petrarch, a researcher like Poggio, a Hellenist like Leonardo Aretino, a fearless critic like Valla, or a self-effacing teacher like Vittorino. He seems to have been a second-rate man, and it is not easy to account for the influence which he possessed in his own day. His posthumous reputation appears to be largely due to the strange legend which has gathered round his name and made him seem to be, as Dr. Zabughin remarks, 'a lascivious and seditious neo-pagan.'

A. C. CLARK.

Luther. VON HARTMANN GRISAR, S.J. I, II. (Freiburg im Breisgau : Herder, 1911.)

The Life and Letters of Martin Luther. By PRESERVED SMITH, Ph.D. (London : John Murray, 1911.)

THE modern study of Luther really dates from the publication of Denifle's epoch-making work. That book, indeed, was disfigured by many faults and a violence of language which obscured its good points. But ever since Denifle's researches a great deal of the hagiography, as it must be called, has become impossible. But his book was the beginning, not the end. Nor shall we in all probability ever have a life of Luther which will be satisfactory to all. Meanwhile the work of Denifle was not merely completed by Dr. Weiss, but the entire commentary on the Epistle to the Romans has been published by Professor Ficker, and the material for a more considered judgement has accumulated. This judgement is what Father Grisar, writing of course from the point of view of a Jesuit, has seen fit in this lengthy work to give to the world. On the whole it is probably the best single book on Luther in existence. The point of view and presupposition of the author are nowhere in doubt, and the reader can make such allowance for them as he pleases. Within its inevitable limits this work is admirable. It is written entirely without heat, though not without severity. It surrenders many of the charges against Luther, and everything alleged herein is supported by evidence. Always of course in dealing with a writer so prolific there comes the question of selecting, and there will doubtless be found many who will not regard the selection as representative. But what strikes the reader most is the effort after a calm judgement, and the genuine regard for truth displayed by the writer. In a work which touches on issues predominantly theological there must of course be much which,

in this Review, it would be out of place to criticize. But it may be doubted whether any student of the subject could do better than begin with a careful reading of this work, lengthy though it be. It is not a pictorial or definitive biography. Much is taken for granted, and the author has no power of presenting an imaginative impression either of the man or his time. All is documented, slow, and deliberate. And perhaps a little more might have been made of the truly charming relations of the great revolutionary with his wife and family and friends. The author, indeed, endeavours to say something on this topic, but it is not very illuminating or attractive.

What seems more and more to emerge is that the indulgence question was of less importance for Luther's development than has been commonly held; and that his final development of the doctrine of assurance must have occurred about the end of 1518.

Manche falsche Auffassungen, die ehemals heimisch waren, erscheinen jetzt als entschieden beseitigt; insbesondere kann keine Rede mehr sein von der üblichen protestantischen Vorstellung, als ob der Mönch des Wittenberger Klosters zuerst zu seiner neuen Lehre geführt worden wäre durch eine ausserordentliche religiöse Erfahrung in seinem Innern, nämlich von der Erlangung beglückender Heilssicherheit durch den Glauben allein und nicht durch die Werke des Papsttums und des Mönchtums. Dieses sogenannte innere Erlebnis, das man als 'Gotteserfahrung' und 'Gotteserlebnis' an die Spitze seines Umschwunges zu setzen gewohnt war, muss, wie unten gezeigt wird, aus der Geschichte verschwinden. Ebenso erheben sich aber auch wieder einzelne von katholischer Seite bis in die letzte Zeit vorgetragene Ansichten über den inneren Gang des Abfalles Luthers, Schwierigkeiten, die zu einer andern historischen Erklärungsweise hinlenken. Der Weg, den Luther durchmachte, wird, wenn gleich er von mancherlei und sehr verschiedenen Faktoren beeinflusst war, sich viel klarer-der Erkenntnis darbieten als in den bisherigen komplizierten Auffassungen.

Im übrigen bestätigen sich die schon von andern gewonnenen zwei Resultate: Der Prozess des Abfalles vom kirchlichen Dogma war in Luther vollkommen abgeschlossen, ehe der Ablassstreit durch seine Thesen gegen Tetzels begann; und, Eine gewisse sittliche Umwandlung schritt bei ihm in klar erkennbaren Grundzügen mit der Entstehung der theologischen Ansichten Hand in Hand, ja eilte derselben gewissermassen voran; die Anzeichen einer solcher ethischen Umwandlung liegen vor allem in der steigenden Abwendung von der Bestätigung durch gute Werke, von den Zielen und Regeln des Klosterlebens und in einem befremdlich stark angewachsenen Selbstgefühl, das besonders bei Gelegenheit von Streitigkeiten sich geltend macht.

It is, indeed, in the psychological development of Luther's thought that the author excels, and his use in this regard of the commentary on the Epistle to the Romans and the lectures on the Psalms is of the utmost value. On other topics, such as Luther's relation to the Peasant Revolt, to Melancthon, his change of view about the employment of force to promote the true faith, and his treatment of the bigamy of Philip of Hesse, there is little to be desired. Father Grisar establishes the fact that Luther must be held responsible for his own brutality of speech, and for the vulgarity and indecency which disfigure his work. He makes it plain that he cannot really be excused on a comparison with earlier writers or the usual plea of the manner of the time. On the other hand, he entirely exonerates him from most of the grosser charges; and finds no ground for holding that the Lutheran movement was merely the uprising of the laxer and more corrupt element of the clergy. He sees quite clearly the capital

importance in Luther's system of the objection to celibacy and hatred of monastic ideals, and he brings out the fundamental humanity and jollity of Luther's bearing. It is to be hoped that the book will be translated. There is no danger that Englishmen will be misled by the Roman Catholic bias of the writer; while the facts and citations will preserve them from many blunders. The work is a triumph of industry, judgement, and reflective power. Literary quality it has little or none; but its value as a corrective to the oleographic portrait of Luther, still largely accepted, is very great.

A very different work is that of Dr. Preserved Smith. Although it is written with much knowledge and a considerable array of authorities not always of the best, it is in reality only one more instance of the hagiographical method. Luther is not indeed presented as faultless; but the author writes with the presupposition of Luther worship fairly, though probably unconsciously, in his mind. The style is jejune and wooden. But, on the other hand, the letters are well chosen and admirably selected. In a work written for the American public it is perhaps inevitable that Luther should be compared to the author of *Uncle Tom's Cabin* ('that excellent novel!'). But Dr. Smith's habitual use of the word 'Katie' to describe the reformer's wife is strange in a serious work. The whole problem of Luther's relation to the Peasants' Revolt is not well set out; and the topic is treated far less satisfactorily than in the essays by Professor Pollard in the *Cambridge Modern History*. On the subject of Luther's thought there is nothing so good as the chapter in Dr. McGiffert's work on *Protestant Thought before Kant*. But perhaps the author could reply that his object was rather to present a picture. The writing indeed improves at the end, and the later chapters are the most successful. Altogether the tone is too much that of an official biographer. On the subject of Luther's political thought the work is at its weakest, and the writer does not seem to understand that Luther (as he would himself have claimed) did more than any one else to develop the doctrine of the divine right of kings. Still, it is doubtful whether there is a better life of Luther in English. But could anything be more unwarranted than the comparison of Luther as a man of culture with Milton? Matthew Arnold's dictum that he was a philistine of genius was far nearer the truth. Again, it was not Warren Hastings, but Clive, who was 'astonished at his own moderation'. The book seems slight, after Father Grisar's work, and suffers in comparison. But its object was different, and were it not for its style would be a fair representation of the traditional portrait of the hero-reformer.

J. NEVILLE FIGGIS.

Verslagen van Kerkvisitationen in het Bisdom Utrecht uit de 16^{de} Eeuw.

Uitgegeven door wijlen Mr. F. A. L. RIDDER VAN RAPPAARD en Mr. S. MULLER, Fz. (Amsterdam: Müller, 1911.)

THIS publication of the Utrecht Historical Society is full of interest because of the light that it throws upon the ecclesiastical position in the Netherlands in the middle of the sixteenth century. The collection of Visitation

Acta arose out of a manuscript bought by Mr. H. G. van de Poel, and given by him to the state archives in Utrecht, containing Acts of Visitation in the archdeaconry of Utrecht, partly archidiaconal and partly archiepiscopal, between 1566 and 1571. When the project came forward for the publication of this manuscript other similar records of the same period were found in various quarters belonging to different parts of the country. Thus there appears a book of over 500 pages in which these documents are printed with careful editorial introductions, and with the addition of other relevant matter—such as the statutes issued by the archbishop of Utrecht in 1565, the archdeacon's publication of the Tridentine decrees in 1566, and so forth.

The Visitations were very methodically conducted by the officials to whom the task was entrusted, and the registrar did his duty nobly, with the result that we have the detailed replies of the clergy, 'kerkmeesters,' and others who are examined. From these the editors have made a skilful reconstruction of the contents of the Visitation articles and prefixed it to each set of Acta. In some cases the questions asked seem to have varied with the witnesses, but in the main the interrogatories follow a fairly fixed scheme. The registrar has also preserved the detailed account of the inspection of the ornaments and muniments of the church. In short, these pages give a very vivid picture of the position of things. The small village church is represented side by side with the big town church. The lesser parishes have some twenty articles about the churchwardens and clergy, with a few more concerning the sexton and the schoolmaster, together with a few pages of minutes of the proceedings. The greater foundations, such as the town church of Utrecht or the collegiate church of Culemborch, have many more articles and more elaborate inquiries. For the staff of clergy and the number of separate chantries, chapels, and foundations is extensive; there are guilds and fraternities to be investigated. Besides, in these last days there have been troubles; so the visitor wants to know how much damage was done by the recent iconoclastic outburst, and how far the damage has been repaired. He is anxious to know about the numbers of heretics, about the circulation of heretical books, and is eager that the new Tridentine reforms should become operative, and should purify both the literature and the habits of the clergy.

Greater brevity and some different methods of report prevail in the documents of other archdeaconries. In some cases, what is available is a series of notes about various parishes, which are the results of several visitations at various dates in the century. In one case the inquiry is almost entirely concerned with the clergy of a district and with their morals, which, though perhaps conventionally justifiable, were ecclesiastically scandalous. In other cases there is little but a survey of the fabric and ornaments of the churches. Finally, among the additional documents are some curious and interesting records of three monastic visitations. Latin and Dutch are mixed in the Acts, but Latin predominates; and it is interesting to have many of the technical terms and phrases in both languages.

W. H. FRERE.

English Apprenticeship and Child Labour, a History, by O. JOCELYN DUNLOP; *with a supplementary section on the Modern Problem of Juvenile Labour*, by O. J. DUNLOP and R. D. DENMAN, M.P. (London: Fisher Unwin, 1912.)

MISS DUNLOP's study of almost all the printed and of some valuable manuscript authorities for the history of apprenticeship is very welcome, if not in every way satisfactory. Its merit is the wide search for material, its defects are in arrangement and in generalizations from the material, which are often hasty and inconclusive, not infrequently contradictory. Not that it lacks valuable generalizations. Chapter iv, on the national system of industrial training and the difficulties of its administration, brings out in a most instructive fashion the way in which the companies of the sixteenth century interpreted and enforced the act of 1563 in the light not of its clauses but of their own traditional practice. The act said that every one must serve his seven years as an indentured apprentice; the companies continued to admit freemen's sons on easier terms. The act put no limit on the number of apprentices that the master might normally take; the companies continued to do so. The act gave no authority to take premiums; in a good many companies the premium was or became common. The premium question is excellently discussed, so far as our materials permit, in chapter xii; so is the question of the masterpiece in chapter xiii. Chapter ix, on working women and the girl employee, is also valuable, though it suffers—like many other chapters—from the attempt to cover too many centuries at a stride. It opens with the odd statement that 'at all times women of the lower middle class took a large share in the work of the nation, being employed in numbers both in agriculture', &c. Why 'lower middle'? Are only vagabonds to be called 'lower', or are we to take for granted that 'lower class' women worked? In any case the rural woman labourer was in no sense 'lower middle'. The chapter includes a most interesting collection of facts as to the apprenticed girl, together with more familiar facts as to the position of the freeman's widow in gild and company.

A rather serious defect in arrangement is connected with chapters vii and xiv. The former is called 'The Dissolution of the Apprenticeship System', and deals mainly with the later seventeenth century but also with the eighteenth. The latter is called 'The Decline of Apprenticeship', and deals mainly with the eighteenth century but also with the seventeenth. So the chapters overlap somewhat, and, in any case, an institution cannot well dissolve before it declines. In connexion with this question of decline, insufficient attention is given to the sixteenth- and seventeenth-century official exceptions to the rules of 1563. The set of legal opinion against the act is expounded on pp. 118-19 and 235-6, with many interesting references; but one misses the long list of administrative exemptions connected with the early joint-stock companies, new trades, and monopolies, and their derivative industries. Miss Dunlop notes that in 1701 the Taunton serge weavers claimed not to come under the act. She might also have noted, for instance, that bay weaving at Colchester was an 'open trade' down to 1707, when a borough by-law tried to shut it (see

Victoria County History, Essex, i. 397), and that such decisive enterprises as the Newcastle glass manufacture and the mineral and battery works stood outside the law.

As history the book actually suffers from its connexion with current problems. There is a tendency to suggest parallels which are really not close; and for purposes of comparison with the modern world generalizations are put forward which are subsequently invalidated by the facts adduced. On p. 29 we are told roundly that 'the early history of child labour in the industrial world is . . . the history of apprenticeship'. But the whole of chapter v is devoted to 'children in unskilled labour', unapprenticed children. It is very pertinent, and on p. 98 we read, 'the fact that a large number of juvenile workers did not come within the scope of the act [of Elizabeth] goes some way to confute the idea that during the days of apprenticeship young people worked solely in order to learn their trade and under good conditions.' And the chapter on women's work is equally conclusive (p. 149): 'the services of his daughters and wife were, generally speaking, the only cheap casual labour which a man could obtain.' The true apprentice girl was never common: 'apprenticeship played no part in the life of girls as a whole.' We know that children always worked long before they were 'apprenticeable'. Miss Dunlop herself quotes the well-known act of 1389 forbidding boys and girls who had worked in agriculture till they were twelve years old to be apprenticed. Are we to suppose that the humbler townsman's children were not also made use of before the formal apprenticeship? Evidence is of course scanty for medieval and early modern times, but does any one suppose that the 'exploitation' of children under the apprenticeship age in the crafts, the mines, and elsewhere that was revealed in the nineteenth century was new? Miss Dunlop herself says it was not. Wherever we can feel our way back we stumble on it. It was not because the apprenticeship system had already broken down in the woollen industry of the West Riding that Defoe found the tiniest children at work there in 1727. There could never have been any question of their being apprentices. The early history of child labour is something more than the history of apprenticeship, both in the industrial and in the agricultural world. All this helps us to discount such sentences as (p. 263) 'the old days . . . when the insistence upon apprenticeship had prevented parents and employers from exploiting child labour'. Miss Dunlop herself discounts it on the same page; but it is just this juxtaposition of loose general statements and facts that do not fit them of which one complains.

Judged by contemporary standards the apprentice, as he emerges into the full light of day in the late fourteenth and fifteenth centuries, was often almost a man when he was bound, and always a grown man long before his time was out. At least fourteen years of age was a common minimum; though Miss Dunlop shows that it was not universal. In London in the sixteenth century it was the rule that apprentices must be twenty-four when their time was up; but in some London companies they served ten years. The Norwich rule (p. 52) that no married man was to be taken as apprentice is suggestive, and inclines one still further to doubt the wisdom of describing the apprentice compendiously—in the

title of chapter xii—as ‘the industrial child’. If we may trust his masters, his vices at any rate were a man’s vices.

One gets the same looseness of phrasing in such statements as ‘in all probability the Elizabethan system of apprenticeship was the most efficient system of training that has ever been available for the masses of the nation’ (p. 199). ‘The masses of the nation’ were engaged in agriculture while the system was effective. To say without qualification that ‘until the Industrial Revolution, the master, though an independent workman, owning his materials, worked side by side with his employees’ (p. 175) is singularly misleading, though of course it is true of certain masters and certain trades. There are throughout too many unqualified statements as to what happened ‘in the days of apprenticeship’. I am inclined to think that Miss Dunlop lays too much stress on the idea that technical training of the apprentice was the dominant motive of the system in the days of its growth. She allows the existence of other motives—such as the master’s desire for cheap labour—but hardly gives them due weight. Obviously the long-drawn-out service of the London rule was the outcome of a much less ideal feeling among the masters.

Turning to more detailed points, there is earlier evidence than any quoted for some of the regulations for apprentices referred to on p. 35, in the *York Memorandum Book*, just published by Miss Sellars, and also—as Miss Sellars informs me—elsewhere. I agree with Miss Dunlop (p. 59 n.) in rejecting the view that the medieval apprentice was obliged to serve as a journeyman before he could set up as a master. The Norwich records, for instance, are very explicitly in her favour. Very many more than ‘a few’ places were subsequently exempted by statute from the weavers’ act of 2 & 3 Philip and Mary confining weaving to corporate towns (p. 60 n.). It is hard to see how Miss Dunlop can agree with Dr. Cunningham that the statute of artificers safeguarded the prosperity of corporate towns (p. 67), while holding that ‘for about twenty years’ it was ineffective (p. 75); though a reconciliation is possible. The indiscriminate adducing of evidence from such very diverse companies as the Newcastle Adventurers, who took no apprentice under sixteen years of age, and the ordinary town crafts (pp. 44–5 and elsewhere) does not help to define one’s picture of ‘the industrial child’. The account of the nominal apprenticeships of the eighteenth century (pp. 230–1) is very instructive. There is, on the other hand, nothing very fresh in the chapters where Miss Dunlop works over the factory history of the eighteenth and nineteenth centuries or describes the repeal of the Elizabethan labour code. Lastly, the impression that one derived from its rather loose structure that the book—valuable as it is—would have been much more valuable had it been allowed to mature somewhat longer is confirmed by the odd erratum on p. 363, ‘From p. 72 onwards “gild” is used as an equivalent for “company”.’ J. H. CLAPHAM.

Colbert's West India Policy. By S. L. MIMS. (Yale Historical Studies, No. 1. London: Frowde, 1912.)

THIS careful and able monograph is the first instalment of a work on the French West India Colonies. A second volume will deal with the period

1683-1715, and a third with the story of the trade between the French West Indies and New England during the eighteenth century. Mr. Mims has worked throughout on official MS. material, and is thus able in more than one case to set right the conclusions of other writers. He does not seek to disguise his admiration of Colbert's national policy, but he neither conceals nor extenuates its weak side. He shows that, though the West India Company, founded in 1664, ended in bankruptcy ten years later, from the point of national interests it was not a failure.

The West India Company was the means of transition from the period of Dutch commercial supremacy to that of the growth and development of French commerce. It was constantly stated by Colbert and by the directors themselves that the mission of the company was to substitute French trade for Dutch trade. . . . The company's fall should not be regarded as a failure, or as a check in Colbert's commercial policy, but rather as an indication that enough progress had been made to render the employment of such a company no longer necessary.

With regard to Colbert's determination to exclude the foreign trader, Mr. Mims writes :

If the planters were hungry, bare-footed, and in rags, they must count these things as a bit of temporary suffering to be endured for the upbuilding of French commerce. They must wait for the law of supply and demand to operate, and bring them, sooner or later, an abundance from France. If these same planters were in need of slaves and of live-stock to cultivate their cane and turn their sugar-mills, they must await the *bons ordres* which the West India Company had given to supply their needs. Such was the system of exclusivism which Colbert wished to impose upon the islands. Such were his demands upon the planters. Their realization would mean the growth of a valuable commerce for the kingdom, and thus the realization of one of his fondest dreams. But he was demanding too much. What meant the noble idea of restoring French commerce and the upbuilding of a mighty colonial Empire to the planters in the West Indies, whose empty bellies were crying for food, whose nakedness demanded to be clothed, whose sugar-cane, like time and tide, tarried for no man, but ripened for the harvest in its season ? Under the shelter of the night, in the little inlets and creeks, or in the open day, thanks to the corruption of the officials, foreign traders came and bartered wine, salt-beef, slaves, and live-stock, for tobacco, sugar, ginger, and dye-woods. The great Louis and his determined minister might thunder commands from Versailles with a voice of Sinai, and the governors might be obedient, or they might not, but one thing was certain, such a rigid system could be enforced only at the cannon's mouth, and only by a long and determined struggle could the subjects of the far-away West Indies be brought into subjection to it.

Readers of Adam Smith will remember the superiority he recognized in the French sugar islands owing to the establishment in them of refineries; we here see that, though Colbert encouraged such establishment, he afterwards forbade their extension in the interests of the French refiners who found themselves driven out of the market.

In his concluding chapter Mr. Mims puts very clearly the ideals of the mercantile system.

Besides the mother country there were needed temperate-zone colonies, West India colonies, and trading posts on the coast of Africa. The mother country should furnish a supply of manufactured articles of all descriptions, and a sufficiently large market for the products of the West India colonies . . . the West India colonies should produce such articles as sugar, &c. . . . the temperate-zone colonies should yield a supply of food-stuffs, live-stock, and lumber, sufficient to satisfy all the needs of the West India colonies and be a good market for the manufactures of the mother country.

But no such Empire ever existed.

The British had very productive West India and Southern Colonies, as well as prosperous northern, temperate-zone colonies. But the development of the latter was too rapid for the former and the balance was destroyed. The northern colonies were forced to seek, outside of the Empire, larger and more profitable markets.

But however failing in its ideal, Colbert's policy, whether

good or bad in theory, in conformity or not with the principles of economy, had one merit which was more valuable than many, it was successful. Colbert had found the French, in 1661, at the beginning of his ministry, in the possession of some rich West India colonies, but he saw their whole profit going to enrich the traders of Holland. . . . At his death, in 1683, he had driven the Dutch from the field, and more than 200 French vessels were trading annually at Martinique, Guadeloupe, and St. Domingo.

H. E. EGERTON.

Lord Chatham and the Whig Opposition. By D. A. WINSTANLEY, M.A.
(Cambridge : University Press, 1912.)

MR. WINSTANLEY does honour to the Cambridge school of historical research, which may be said to have been founded by Lord Acton. Within the space of a very few years he has produced several studies of permanent value on eighteenth-century history, to name his articles in this Review on the cabinet system, his recent volume on *Personal and Party Government*, and now its sequel on *Lord Chatham and the Whig Opposition*. The eighteenth century is peculiarly rich in material for history; but these very riches, for want of co-ordination, have almost proved an obstacle to the comprehension of the period. Mr. Winstanley has made the Newcastle MSS., covering the first eight years of George III's reign, peculiarly his own province. Though long available, they had, until Mr. Winstanley tackled them seriously, been hardly touched, except for the publication of the contents of one volume by the late Miss Bateson : now he has accomplished for these eight years what Mr. Riker in his *Life of Henry Fox* did for a very short period in George II's reign, a critical and almost exhaustive exposition of the political material in the manuscripts he deals with. The mere labour of perusing and extracting the marrow of some hundred volumes of Newcastle's long-winded epistles alone excites admiration, but Mr. Winstanley has done much more than that. He is no dryasdust, content to throw gobbets of undigested new material at his readers; he has the real historian's gift of telling rather less than he knows in order to emphasize the points to which his researches, combined with his great knowledge of already printed memoirs and histories, have led him. Fortunately, also, he has the scholar's instinct of giving his references even for apparently trivial allusions, so that no one need be at a loss in following up his clues into by-paths of the subject of these volumes.

Mr. Winstanley's main thesis in his latest book, which covers the period of Chatham's ministry, and his eclipse and resurrection to fight unavailingly against the oppression and folly of George III and Lord North, is the need for a strong party connexion. Like Burke, he sees in the Rockinghams the great mainstay for enlightened government, and, like Burke, he tends to see in Chatham the villain of the piece who made united party opposi-

tion impossible. Mr. Winstanley, supported by the influence of his great authority, argues so learnedly and so winningly for his conclusion, that he is bound to gain adherents, the more so as his theory tallies so exactly with modern practice. But, however right he may be in his ultimate verdict, he is hardly fair in his view of Chatham himself. In the first place, he twice makes an inexplicable blunder about Chatham's principles of action. Chatham's motto, consistently upheld throughout his life, was 'measures not men', not the reverse, as Mr. Winstanley says. From the days of his first great struggle with Walpole, Pitt never cared with whom he worked, as long as he could get what he considered the right policy carried for the country: on the contrary, the ideal he always upheld was to unite all patriots without distinction of party on a national basis. The 'mosaic' of his last ministry, which Burke sneered at, was not a misfortune in Chatham's eyes, but a deliberate attempt to put his theories into practice. It was a great ideal, the offspring of Pitt's early experience of a disunited people dominated by a narrow Whig faction and of his success during his great ministry in combining all factions for an harmonious effort against common danger. Throughout even his last dreary days he was always on the look-out for another chance of attaining the same end. It is a want of appreciation of this ideal of Chatham's which seems to me to make Mr. Winstanley somewhat unfair to him in these pages.

Again, even to take it from the strictly party point of view, the Rockinghams really owed a great deal more to Chatham than he to them. They were, take them all in all, a poor set of men, except when they were carried forward by the enthusiasm of a Chatham, or later of a Fox, towards some definite purpose; at other times always hanging back from decisive action, always afraid somebody, not of themselves, should obtain too much credit or influence. Burke, indeed, who chiefly inspired them, was a great speaker, but of an intriguing and jealous disposition, and no real lover of liberty, as Chatham and Fox were; and his influence in the house of commons was never great. Apart from him, who would have ever heard of an opposition to general warrants, to the Middlesex election scandal, to the libel-law decisions, or to the oppression of America, had it not been for Chatham? The fact is, the Rockinghams were carrying on the old Newcastle tradition of being only too glad to use Pitt for their own purposes as long as he did not obtain too much influence over their councils. It is really ludicrous, on reading over those discussions about policy, to think of the presumption of a Rockingham or a Dowdeswell, poor ineffective creatures, the former of whom could hardly say two words consecutively in public, setting themselves up against the ardour and enthusiasm of a Chatham. Even on Mr. Winstanley's own showing it seems to me that Chatham was absolutely right in his policy on the libel law as opposed to Dowdeswell, and was admitted to be so in 1792. As to the Spanish scare, for which both the Rockinghams and Chatham incur his censure, Mr. Winstanley hardly, perhaps, takes enough account of Pitt's previous experience of another weak ministry dealing with Minorca. The danger of vigorous action by the two Bourbon powers was not illusory: it is difficult to blame Chatham for thinking it better to awaken the

people to this danger than to risk a ministry, in whom he justly had no confidence, being over-reached by enemies burning for vengeance.

Mr. Winstanley has his point of view, which he not only maintains with plausibility, but with such fairness and such abundant references, that any one disagreeing with him can but gain from reading him. No history which is alive, as his is, can fail to awake contention, and for that very reason becomes stimulating.

BASIL WILLIAMS.

A History of the United States. By EDWARD CHANNING. Vol. III. *The American Revolution, 1761-1789.* (New York: The Macmillan Company, 1912.)

In these days of histories written by co-operative companies it is refreshing to find an individual historian who has the courage and the determination to deal with the history of his country as a whole, and amidst the increasing difficulties caused by the ever-accumulating masses of material to steer a straight course over a long period of years.

Professor Channing's history will be completed in eight volumes, and the importance of the subject treated in the present instalment is shown by the fact that it deals with only twenty-eight years, while the past history only occupied two volumes. The nature of the task undertaken by Mr. Channing is well indicated by his general bibliographical note.

The material in print and in MSS. relating to the revolutionary period is vast in extent and still unsatisfying. In the Record Office, in the British Museum, in the Royal Institution, and in countless muniment rooms and boxes in private houses and corporations in England are masses of MSS., while the storehouses in American libraries and public depositories are even greater in extent. Much of this material has been printed, but more of it has not seen the book form. It is impossible for any man within the scope of a single lifetime to master even a tithe of this material, and yet some of the most important papers are still almost inaccessible. In the foot-notes to the present volume reference will be found to many unprinted papers; but the author has read many others, which have afforded each its little bit of information. The printed collections from the incomplete *American Archives*, associated with the name of Peter Force, to the innumerable volumes of letters, diaries, and journals, each contributing its portion of illustrative matter, are almost beyond enumeration.

It can safely be asserted that no historian has ever approached the American Revolution with a more thorough knowledge of his material or a more scientific equipment for his task.

But a history is of necessity something more than a mere collection of documents, and the very necessity of selection introduces an element of art. From this point of view Mr. Channing is to be congratulated on the proportion maintained between the various parts of the volume, and the determination, in spite of abundant knowledge of side-waters, to keep to the main channels of the history. As was perhaps inevitable, greater stress is laid on aspects of the case somewhat neglected by previous historians; and the author's self-denying ordinance, in the matter of the expression of opinions, is probably a natural reaction from the practice of some brilliant predecessors. Mr. Channing indeed does not disguise his own point of view. 'Commercialism, the desire for advantage and profit in trade and industry, was at the bottom of the struggle between England and America. The governing classes of the old country wished

to exploit the American colonists for their own use and behoof.' He marks with special praise Mr. Beer's writings; but this is hardly the moral one draws from *British Colonial Policy, 1754-1765*. It seems hardly true to say that by 1760 'the system of responsible government was thoroughly established in England'; indeed, Mr. Channing contradicts his own statement by elsewhere saying that George III sought to substitute responsibility to the king for responsibility to the whig oligarchy. Recent research has, it may be said, established that George III did not drive William Pitt from office, although doubtless it was his intention so to do when peace could be brought about.

Mr. Channing brings out very clearly the Pyrrhic success achieved by the New Customs Regulations of 1767.

In the first years covered by this volume, the American customs had brought in less than £2,000 annually and the cost of collecting had been nearly £9,000 in each year. Now with the new organization and the new duties added to the old, they brought in over £30,000 yearly from 1768 to 1774 at an annual cost to the revenue of £13,000. Moreover the establishment of an effective American Customs Service was equivalent to re-enacting the whole set of Navigation laws from Charles II onwards. Hitherto these had never been enforced. Now they were carried out to the letter. C. Townsend, by giving life to these obsolete enactments, established or re-established the colonial system. . . . The new system was successful in that it enabled a swarm of office-holders to live on the fruit of colonial labour and industry. It was disastrous because it led to riot, rebellion, and revolution.

With regard to the Boston tea-party Mr. Channing makes the illuminating remark that there might have been no trouble in America had 'the (East India) company chosen for its agents the merchants in the colonies who had been in the habit of handling the London tea trade. . . . Instead of doing this the business was given to men who had taken sides against the non-importation agreements and were unpopular; their employment was a grievance to all Americans of radical tendencies.'

As has been said, Mr. Channing is sparing of general judgements. In his opinion the historian 'must take nations, congresses, and generals as he finds them'. He appears to think that had the political leaders of 1775 and 1776 been better administrators but worse politicians they might by unwise and premature measures have added 10 per cent. to the loyalist side—a curious commentary on the enthusiasm evoked by the war of independence. When Mr. Channing offers an opinion it is generally to justify the course taken. The Canada Expedition, though ending in failure and even disaster, 'served well the American cause by drawing away from Howe the troops which otherwise would have formed his first reinforcements. . . . It was indeed the hand of Providence that pointed the road to Quebec to Richard Montgomery and Benedict Arnold.' In the same spirit Mr. Channing resents criticisms on Washington's and even Howe's generalship; though there is one sentence in his guarded defence of the latter which implies worse blame than his most hostile critic would suggest. 'It is also to be remembered that the British army was a professional force: officers and privates alike had no desire to endure the hardships of winter campaigning, or to see hostilities come to a sudden termination, which meant half-pay or garrison duty, or return to private life without trade or profession.' The idea that a service, whose *raison d'être* is honour,

should be found practising the alleged methods of the latter-day syndicalist is sufficiently startling.

With regard to Burgoyne's expedition, Mr. Channing emphasizes the point that the British authorities had not in mind any permanent conquest of the Hudson Valley, and that the design was merely to provide reinforcements for Howe. No doubt this was a main object of the expedition; but we find Howe himself recognizing that something more than this was intended. We have the express language of his letter of April 5, 1777, to Carleton:

The possession of Ticonderoga will naturally be the first object, and without presuming to point out to your excellency the advantages that must arise by securing Albany and the adjacent country, I conclude they will engage the next attention, but omitting others, give me leave to suggest that this situation will open a free intercourse with the Indians, without which we are to expect little assistance from them on this side.

The further progress of this corps depending so much upon the enemy's movements cannot be foreseen at this distance of time, still I flatter myself and have reason to expect the friends of government in that part of the country will be found so numerous and so ready to give every aid and assistance in their power that it will prove no difficult task to reduce the more rebellious parts of the province. In the meanwhile I shall endeavour to have a corps upon the lower part of the Hudson river sufficient to open the communication for shipping through the Highlands, at present obstructed by several forts erected by the rebels for that purpose, which corps may afterwards act in favour of the northern army.¹

What was Germain's own view of the expedition may be learnt from his letter of January 23, 1778, to W. Knox: 'As to the measure of carrying on the war from that quarter, it was the opinion of every officer and every American I ever conversed with that an *attack* from Canada was the only method of crushing the rebellion and of bringing the New England Provinces to their senses.'² It is surely clear that Burgoyne and Germain intended, and that Howe contemplated, something more than a mere march to join forces. Moreover, if the junction of the British forces was necessary, how can it have been right for Howe further to delay that junction by moving his head-quarters to the south? Here as elsewhere in the volume we note a certain tendency to question the generally prevalent views of previous writers. Mr. Channing himself is seldom to be caught napping. He writes, however, 'This was no time to consult men's prejudices. Sir G. Carleton was appointed commander-in-chief in succession to Clinton. Germain at once withdrew from the Cabinet'; but Germain's withdrawal was some months previous to Carleton's appointment.

Mr. Channing is on the side of those who question the good faith of the French at the time of the peace negotiations. He writes in a footnote: 'The perusal of a mass of notes which Professor F. J. Turner most kindly placed in my hands has confirmed the impression that the policy of France and Frenchmen towards the United States was not straightforward. Jay's intuitive suspicions were well founded, although the specific bits of evidence that have been adduced to justify his attitude do not carry conviction.' Mr. Channing does not mention among the

¹ *Hist. MSS. Comm., Stopford-Sackville MSS.*, ii. 65.

² *Hist. MSS. Comm., Various Collections*, vi. 142.

authorities Mr. J. B. Perkins's *France in the American Revolution*, in which the opposite view is vigorously maintained.

In a striking chapter on 'economic adjustment' Mr. Channing describes how

throughout the war agricultural operations went on very nearly as they did in peaceful days except in the neighbourhood of the contending armies. . . . Life indeed was so placid in the old Dominion that R. Beverley, unmindful of war, sent his son to England for his education, as he himself had gone years before. S. Carolina and N. Carolina knew the contest only by hearsay till 1780. Even in the Middle States, which were the scene of marching armies and garrisoned ports, war was no unmixed economic evil. The British and the French were well supplied with gold and silver and paid good prices for whatever they could buy. The farmers of southern New England welcomed the latter as allies and charged them 50 per cent. or so extra. The farmers of Eastern Pennsylvania closed their ears to the groans of Valley Forge and brought meat and flour in great abundance to the British commissaries at Philadelphia. Even the American soldiers, sufferers that they were, contributed to the garnered hoard of forestallers, engrossers and speculators who were even then 'preying upon the vitals of this great country'. As years went on, the scene changed, commerce grew and was exceedingly profitable, and the privateers poured their prize goods upon the markets. It would seem that after the war normal prosperity had been regained even before the American constitution of 1789 came into existence.

In closing the volume Mr. Channing writes that

in the thirty years that have just been passed in review, the American people had seceded from the mother country, established republican forms of government within their thirteen states, and had gone far in the readjustment of economic life to their new conditions. They had devised a colonial system that harmonized with their political principles and was to succeed in the coming century beyond that of any other colonizing country of the earth. They had adopted a form of federal government that was new to the world, republican in essence and imperial in power. These were large achievements for a single generation.

Perhaps there was another side to the shield; but the difficulties arising from the ambiguities of the constitution and an excessive materialism will belong to future volumes of the history. Meanwhile we must all recognize that, if Professor Channing has not written the final history of the American Revolution—and on such a subject finality is out of the question—the volume will be indispensable for serious students of the period and is worthy of its author's high reputation. H. E. EGERTON.

Napoleon I. By AUGUST FOURNIER. Translated by ANNIE ELIZABETH ADAMS. (London: Longmans, 1911.)

DR. FOURNIER'S work had for many years been well known to and carefully studied by Napoleonic specialists in England, but the terrors of some hundreds of pages of German prose had unfortunately always been instrumental in keeping many would-be readers at bay. It is a matter of congratulation that this difficulty has now been removed, thanks to Miss Adams's excellent translation; and that this biography, which is in some ways the best of the many lives of Napoleon, has now become accessible to the general body of English readers. It was not that there was previously any dearth of books on the subject; the difficulty has indeed always been that of preserving one's intellectual equilibrium when endeavouring to balance the opinions of those writers on the one

hand who regard Bonaparte as the 'superman', and those on the other hand who depict him as the somewhat sordid incarnation of ambition in its most cruel and insatiable form. It is in this respect that unqualified and unstinted praise can be given to Dr. Fournier's work. As a calm, unemotional, critical, and dispassionate study of the life and career of the great Corsican it stands without a rival. The author never allows himself to be carried away by the glamour of his subject, which so readily lends itself to the impressionist treatment; he steadfastly wends his way towards the real goal of every conscientious historian, the determination of the truth be it pleasant or unpleasant. It must not, however, be thought that Dr. Fournier is in any way unfair to Napoleon. He readily acknowledges that the latter was to a large extent merely the pupil and advocate of a policy which came into being before he was promoted to be the arbiter of the destinies of the French people. If it be the case that Napoleon's ambition knew no bounds, it is equally true that he was supported (and in a sense mastered) by public opinion in France, and that when he had once 'overshadowed the Revolution he could no longer change his soil unless at the cost of tearing up his power by the roots'. It must be admitted that he had no genuine love for France, but the French people rightly or wrongly believed that he alone could restore order from the revolutionary chaos, and this was the task which he undertook and fulfilled, not from any desire for the prosperity or happiness of his subjects, but for his own personal advancement. This point of view is of course incompatible with the Napoleonic legend, but the latter is a fiction which Dr. Fournier sets himself to dissipate, a task in which he is eminently successful.

Since the first edition of this work was issued in 1885 the author has modified his views in some respects. Thus he has now come to the conclusion that in 1805 Napoleon never seriously contemplated the invasion of the British Isles, though he was ready to undertake it if circumstances were unusually favourable. To keep England in a state of alarm was politically advantageous to him, but he was all the time carefully preparing for war with Austria. But as a whole the author's conception of the man and his career remains unaltered. He has carefully picked his way through a maze of conflicting estimates 'ranging from extravagant panegyric to annihilating criticism', and even if it should be thought that he has not actually attained his aim of presenting Napoleon in a strictly impartial light, he has so nearly achieved his purpose that his readers will be in a position to appreciate the reality of the claims of Bonapartism, in a manner which has hardly been vouchsafed to them before. A word of praise is due to the translator. If this book attains the success in England which it deserves, the result will in no slight degree be attributable to Miss Adams's careful and skilful work.

H. C. GUTTERIDGE.

LOUISE DE PRUSSE, PRINCESSE ANTOINE RADZIWIŁŁ. *Quarante-cinq Ans de ma Vie (1770 à 1818)*. 5^{me} édition. (Paris: Plon, 1912.)

PRINCESS CASTELLANE-RADZIWIŁŁ, whose *Chronique de la Duchesse de Dino* has interested a wide circle of readers, seems likely to find no fewer for her publication of the memoirs (if they can be so called) of her husband's

grandmother, another Princess Anton Radziwill, whose inherited title of Princess Louise of Prussia was, however, by express arrangement always prefixed to that which she had acquired by marriage. This Princess Louise, who must be carefully distinguished from her various namesakes in the Prussian royal family—a task which the excellent index accompanying the volume before us will greatly facilitate—was the daughter of Prince Ferdinand, the youngest and least notable brother of Frederick the Great, and in strength of will if not in gentleness of temper his far better half, a born princess of Brandenburg-Schwedt. After the usual number of matrimonial projects or possibilities—into which, as a distant vision, even George, prince of Wales, momentarily entered—she married, at the relatively late age of twenty-six, after she had been already named coadjutress of the abbey of ‘Hirforden’ (Herford), the amiable and accomplished Prince Anton Radziwill, who was some years her junior. Readers familiar with the pathetic story of the early love of the late Emperor William I, and of the useless efforts made, in its interest, to prove the *Ebenbürtigkeit* of the Radziwills, will be interested to find that the Prussian Court of 1796 could likewise not make up its mind to accept the claim. The marriage with Prince Anton, whose loyalty was of great service to the Prussian Crown, and was rewarded in 1815 by his being appointed lieutenant-governor of Posen, was an extremely happy one; and we are allowed a few glimpses of the home life of a Polish *grand seigneur*, who was at the same time a musical composer of distinction.

The princess’s habit was to note the events of the day in her ‘tables’, and these memoranda, extending over the better part of twoscore years of her life, she began to ‘write up’ in 1811, probably after her return with the royal family from their exile at Memel to Berlin. The task of editing she did not complete till shortly before her death (in 1836); but from 1812 onwards she had begun to trust to her correspondence with her husband (from whom she was now frequently separated) instead of her notes, though she did not cease from taking such occasionally; and of the quiet times which came after 1815 she seems not to have thought it worth her while to leave any connected memorial. That her memoirs were bona fide founded on contemporary notes is abundantly clear both from the freshness of her writing and from the personal note which pervades it; and from her girlish reminiscences of Frederick the Great, to her conversations with Alexander I about Napoleon’s sayings and doings at Tilsit, her readers are accordingly in the presence of a trustworthy witness.

The present is not the occasion in which to follow this bright and straightforward diarist through her long and varied experiences; but Madame de Castellane-Radziwill is, I think, well advised in saying that two figures stand out with special prominence in these memoirs, which, if only for their sake, will be prized by students of this period of Prussian history. The one is that of Princess Louise’s favourite uncle, Prince Henry; the other that of her favourite brother, Prince Louis Ferdinand. Of both this volume supplies us with admirable portraits; that of Prince Henry, who always dressed in what had been the fashion at Paris *when he was last there* (though he was most particular as to his niece being up to date both as to her head and her heels), is a perfect gem. He was the only one of the brothers of Frederick

the Great with whom that sovereign could not afford to be on permanently bad terms; on his side, Prince Henry could never forgive the king for having quashed the proposal to offer Henry the crown of Poland and dispatched him instead to negotiate the partition of the kingdom with Catharine II. Unlike his royal brother, of the friendlessness of whose old age his niece unconsciously draws a painful picture, Prince Henry did not allow the human kindness of which he was full to be quenched by adverse experiences—though the sum of his lot was disappointment. So late as the year before the Peace of Bâle he was delighted to be summoned to bring about the good understanding with France which had become a necessity for the Prussian government; but his part on this occasion was really not more than that of a figure-head. I must pass by what this volume has to say about the beginnings of the reign which ended so unhappily for both king and country, and which, strange to say, had been looked forward to so hopefully. It is a darker page in the history of the Prussian dynasty than were the days of the Thirty Years' War or those of Jena; but Frederick William II was sinned against as well as sinning, and the advice to him as crown prince to regulate his relations with his wife came strangely from a king who had not spoken to his queen for years.

The short story of the errant life and heroic death of Prince Louis Ferdinand is well known, but will be read with special interest in these pages, as written by the loving hand of a devoted sister, who did what she could to help him over difficulties due partly to injudicious treatment though mainly to his own impetuous folly. She bravely bore her own part in the long period of calamity of which Prince Louis Ferdinand's death at Saalfeld may be said to have been the opening incident; and though she was spared the ordeal of having to confront the conqueror at Königsberg, as the representative of the royal family, she was worthily associated with them in their exile at Memel and in the hardly less trying time of their first return.

A. W. WARD.

Histoire du Peuple anglais au XIX^e Siècle. I. Angleterre en 1815. Par ÉLIE HALÉVY. (Paris: Hachette, 1912.)

It may be said without reserve that Professor Halévy has given much the most comprehensive and the most scientific account of England in 1815 that has yet appeared. His method is illustrated by the subdivision of his matter: book i (190 pp.), Political Institutions; book ii (172 pp.), Economic Society; book iii (200 pp.), Religion and Culture. Where all is good it is not easy to differentiate; but I am inclined to think that if the order of the books were reversed we should get the order of merit. Perhaps the apparent inferiority of the first book is, after all, mainly due to the necessarily rather familiar character of its contents. I should also connect it with a certain slight monotony of literary design and a slight roughness of literary workmanship, which—if a foreigner may be allowed to judge—is more apparent here than elsewhere in Professor Halévy's work. The volume is not only comprehensive and scientific; it has, I believe, fulfilled its author's aim, as explained in the preface, in a very

high degree. He knows how vast his material is ; how great his daring ; how much easier is the writing of monographs than the work of synthesis on such a field. But he sees the danger of the method of monograph. ' On part de cette idée qu'il n'y a pas de bon travail sans division des tâches. On néglige ce fait qu'il n'y a pas de division rationnelle des tâches sans une coordination préalable. Puissent mes conjectures provoquer de nouveaux travaux de détail, pour compléter, corriger, annuler au besoin ces conjectures elles-mêmes.' As the result of exceedingly wide reading, of which the admirable critical bibliography gives proof, he has drawn a picture which, as I think specialists will admit, should greatly facilitate rational division of labour and help to save the specialist from unconsciously adopting, ' suivant l'ordre des phénomènes qu'il étudie, une philosophie politique, religieuse, ou économique de l'histoire'. That the new monographs will correct the picture goes without saying ; for there is such a lack of good monographs, new or old, that over a great part of the field Professor Halévy has had to do his own quarrying.

The first book is to a large extent a variation on the theme—' Montesquieu said . . . , but I find.' Throughout it emphasizes the 'confusion of powers' in the English constitution and the reforming tendencies noticeable from about 1780 onwards. English historians are not, I think, 'trop disposés à considérer l'Ancien Régime anglais comme un bloc qui ne commence à s'effriter qu'aux environs de 1832' (p. 17) ; and so will find much of what is here explained familiar. It is interesting to notice the matters not usually treated at length in our political histories which seem to Professor Halévy to deserve separate discussion. The chief of these are—the legal profession, its organization and its position in political and social life ; the navy, its comparatively 'democratic' spirit, its whiggery, its insubordination, and its popularity ; the army, 'une armée d'ancien régime pareille à celle qui vainquit sous Marlborough' (p. 82), and the partial decline of anti-militarism ; lastly, the spirit of our foreign policy and the 'complete absence of imperialism in the England of 1815' (p. 92). Continental students are reminded that the old English electoral system had a far greater popular element and was far more susceptible to popular opinion than is often supposed, and that England, unlike all other countries, had yet to make 'the bureaucratic State', not merely to turn it to fresh ends (p. 100). English students may care to consider the dictum that eighteenth-century England was 'le pays classique de l'émeute' (p. 140), and the arguments which lead Professor Halévy to hold—'C'est à peu de chose, on le voit, que se réduit la réaction Tory' (p. 188). Among the minor blemishes of the first book is the reference to 'un article du *Navigation Act* qui imposait à tous les vaisseaux anglais des équipages purement anglais' (p. 50). It is not correct, and is contradicted by the correct statement on p. 305. I do not know on what evidence Professor Halévy holds that George III 'pendant toute la première partie de son règne . . . a cherché, dans son empire colonial, les ressources nécessaires pour l'entretien d'une grande armée permanente, affranchie du contrôle parlementaire' (p. 66). It is picturesque, but not, I think, accurate, to say without qualification that the armies of the Peninsular war were 'ramassées . . . dans le rebut de la population des fabriques' (p. 74). The sentences relating to Waterloo

(p. 86) are confused, and I am not sure that the jury 'est défini déjà dans la Grande Charte' (p. 105).

Book ii opens with a study of *Le Régime de la grande propriété*—in Ireland, because there the rights of the proprietor were at their maximum. There follows an adequate though not faultless summary of the English enclosure movement, a subject upon which generalization becomes increasingly difficult. 'Le bien communal . . . où chacun avait le droit de faire paître sa vache,' &c. (p. 206), hides both some legal and some economic characteristics of the manorial waste; and it is unfortunate that in the following sentence we are led to suppose that the open fields had normally been cultivated by small *propriétaires*. Nor, again, is the opening sentence of the section dealing with agricultural labour quite happy: 'Les travailleurs des champs, selon l'ancien système, sont des valets de ferme, logés et nourris' by their employers (p. 227). But professed students of enclosure are not infrequently guilty of similar defects of stress, and there is much in Professor Halévy's narrative that tends to rectify slightly erroneous impressions that these passages taken alone might produce. In the sections dealing with industry there is an excellent, though very simple, innovation. We are first introduced to that very large part of the industrial world in which there had been no true 'revolution' before 1815; later to the familiar changes that really had been rapid. Thus a popular error in proportion is skilfully corrected. The changes in methods of transport are dismissed with rather inadequate notice, and the treatment of currency and finance is not perfectly lucid. There are a few errors of fact. Reference to an article by Mr. Hertz in this Review, xxiv. 710 ff., would modify the statement that 'l'industrie de la soie n'a pas progressé en Angleterre' (p. 258) in the course of the eighteenth century. The 'décadence économique du Norfolk' as a centre of the wool manufacture was not 'consommée' (p. 280) by any means in 1815, as I have recently pointed out in the *Economic Journal*. Nor did the West Riding pass directly from the domestic to the factory system, without experience of the system in which a master manufacturer employed weavers and other workpeople in their cottages (p. 283). This is not quite true of the woollen industry properly so called; it is still less true of the worsted industry, whose existence Professor Halévy ignores. But these are highly technical points. As a general sketch of economic England in 1815 it would be most difficult—I think, impossible—to find anything better than we are here offered.

No praise could be too high for the knowledge, candour, and perfect taste of the section dealing with religion. How many English historians, who are not professed students of church history, would be equally at home among the English Roman Catholics, the Primitive Methodists and Bible Christians, the Burghers and Anti-burghers, the old cultivated and somewhat sceptical Presbyterians, who had moved towards the unitarian position, and the newer, less thoughtful, but far more zealous evangelical nonconformists who sprang from the methodist revival? Professor Halévy knows them all well. One must look in corners carefully to find even slight errors. It is not, I think, quite true that there was no single protestant missionary except the Moravian Brethren 'au début du 18^e

siècle' (p. 422), and in his account of missionary societies Professor Halévy overlooks the Society for the Propagation of the Gospel. Oddly enough, in one who is combating the defects of specialization, he treats the abolition of the slave trade (pp. 431-4) entirely as an episode in religious history, neglecting the economic aspects brought out, for instance, in Dr. Hochstetter's study in Schmoller's *Forschungen*. And the stress is excessive in such a sentence as—'Le clergé anglican est, et tient à rester, un clergé d'aristocrates' (p. 371), unless we are to assume that every graduate of Oxford or Cambridge may fairly be so described. The last hundred pages of the book deal with art, education, literature, medicine, and the sciences. Throughout this section, as throughout the section dealing with religion, Professor Halévy throws into high relief the English capacity for spontaneous organization, the liberty which limits itself by the creation of a self-imposed order, the individualism which begets the church, the club, the scientific society, and so both ceases to be 'individualistic' and dispenses with the state. He finds the state indifferent to all science but astronomy; but he finds the Linnaean Society, the Geological Society, the provincial literary and philosophical societies, and the rest stepping in to fill the vacant place. He finds chemical science largely dependent on private enterprise, the new economic and political sciences in the hands of the great 'autodidactes audacieux—Malthus, Ricardo, Bentham'.

England began the century free—free politically because the executive was weak, the press strong, and the right of insurrection all but a constitutional principle; free economically, because there more than elsewhere contract had supplanted custom, corporate privilege, and 'étatisme'; free in matters of religion, because the Anglican church had finally recognized the right of the sects to their own life. Sects, organized parties within the church, 'non-sectarian' organizations like the Bible Society, all contributed 'au progrès de l'esprit d'association dans toutes ses formes', provoked 'directement ou indirectement cette floraison de libres institutions philanthropiques et scientifiques, caractéristique de l'Angleterre moderne' (p. 563). By Methodism she was saved from Jacobinism, in spite of her industrial revolution; and in 'voluntary obedience, spontaneous organization' her 'freedom' stood. So the volume closes, leaving one in a state of grateful expectation. If the conclusions are not all novel they are emphatically broad-based.

J. H. CLAPHAM.

La Police politique; Chronique des Temps de la Restauration, 1815-20.
Par ERNEST DAUDET. (Paris: Plon, 1912.)

THIS volume is not without interest, although hardly the interest which we might expect. It is a history of the secret police in France in the first years of the reign of Louis XVIII. It has been compiled from the reports of police agents and the papers of the *Cabinet Noir*. Under Napoleon the secret police had been vigilant and implacable. There were several reasons why the restored Bourbon should maintain the institution. He knew that a great number of his subjects viewed him with aversion. He felt that the fanatical upholders of church and king neither loved

nor trusted him personally, but fixed their hopes on the count of Artois, who indeed was not fervent enough to please all these enthusiasts. He suspected the very sovereigns in whose train he had returned to France of seeking a substitute more likely to win the French people. The little king of Rome, the duke of Orleans, the prince of Orange, and Bernadotte were each supposed to have some mighty patron. Under these circumstances it was natural that Louis and his ministers should wish to learn all they could by such recognized means as opening private letters, corrupting domestic servants, and setting spies to watch politicians and princes. It should be added that these methods were employed in a defensive, not a persecuting, spirit, and that no man appears to have suffered in life or liberty through the information of the secret police.

We are thus led to notice the most remarkable fact about this book, the absolute insignificance of the revelations which it contains. With all their diligence and cunning the secret police seem to have discovered naught. They observed with peculiar care the remaining members of the Bonaparte family. But the Bonapartes, evidently crushed and hopeless, sought only to live in quiet as private men. The exiles, including the regicides, who had found an asylum in Belgium and Germany, seem never to have attempted a serious plot. The duke of Orleans was careful not to afford ground for complaint, although one or two secret agents reported his intention of coming forward as a candidate for the crown, should Louis XVIII die or abdicate. Nothing could be charged against the feeble duke of Bourbon, whom a mistress detained in England. The secret police did not respect the correspondence of Chateaubriand, the one royalist of genius; but they only found what might have been learnt without such vile means, that Chateaubriand was admired by many ladies and was not ungrateful. Even a foreigner and a man of science like the great Wilhelm von Humboldt did not escape their prying; but here also they took nothing. Indeed, the chief result of their labours was to furnish the king with gossip and scandal which he relished like a courtier of old Versailles. For the historian M. Daudet's volume confirms the impression that France and indeed all Europe were then so exhausted, so famished for repose, that intrigue or conspiracy had little matter to work upon. The French government therefore made no grave sacrifice when in 1820, feeling more secure, it abandoned this means of getting information.

A few mistakes in the spelling of English names disfigure the volume. To describe Lord Liverpool as a member of the English cabinet is true but misleading; to describe Lord Castlereagh as first minister of England is inaccurate.

F. C. MONTAGUE.

Louis-Napoléon Bonaparte et le Ministère Odilon Barrot. Par ANDRÉ LEBEY. (Paris: Cornély, 1912.)

M. LEBEY has treated his subject on an heroic scale. The story of a ministry whose life was less than a year occupies more than 700 pages. It was a year less full than its predecessor of tragedy and dramatic reversals of fortune; but it possesses for the historian the peculiar interest which the analysis

of a period of transition always affords. The author has collected much valuable material, which we are glad to see set out in such detail; he has, for instance, most clearly explained the organization and activities of the Parisian clubs, and traced exhaustively the links which connect that parody of the great revolutionary days, 13 June 1849, with its predecessors. The book, however, would not have suffered from compression; the long extracts quoted so frequently from well-known books like Tocqueville's *Souvenirs*, or Barrot's *Memoirs*, seem at times superfluous; while the course of parliamentary debates is recorded with a fidelity which their importance hardly deserves. M. Lebey does not affect to read the Revolution with an indifferent eye. The form of the date, with which the preface concludes, Floréal, an 119, indicates at once where the author's sympathies lie. For him the prisoners of the high court of Bourges are those 'qui avaient voulu que 1848 portât ses fruits': the constituent assembly 'décima ses seuls enfants sincères et grands sans dépit' (p. 319). He refuses to believe that the reactionary legislative assembly truly expressed the desires of that universal suffrage which called it into being; 'un mensonge l'avait produite' (p. 343). This does not appear a satisfactory explanation even in such a year of extravagant political paradox. If the legislative assembly did not represent France, it was not because it contained so few republicans, but because it did not contain more Bonapartists.

M. Lebey has painted a detailed picture of the astonishing enthusiasm which greeted the president on his journey through France in the summer of 1849, which was not so much the gratitude of the moderate republican for order restored as the frenzied hero-worship which in places actually raised the cry of 'Vive l'Empire absolu'. Louis-Napoléon, whether as president or as emperor, must always tempt the psychological analyst; and the portrayal of this year of political education is among the most interesting things in the book. He is considered as the embodiment of a practical St. Simonism (pp. 331-2), with the advantage over his ministers of representing no tarnished or discredited programme. The ministry is treated with perhaps less sympathy than it deserves. Its difficulties were enormous. It had to maintain 'the Republic without Republicans', to preserve the suspicious support of a selfish majority, represented in the cabinet by only a single member, to harmonize in practice the double responsibility with which the constitution had saddled itself and the president, and finally to solve the apparently insoluble Roman problem. On this last point M. Lebey is not very helpful. He evidently thinks that the ministry should have accepted the results of Lesseps's negotiations. But was this practicable? It is certain that both the president and the assembly would have refused point-blank an arrangement which they both considered dishonourable to France. To work for the return of the pope on conditions was surely more in accord with the wishes and interests of France at the moment than any other policy. The ministry was in fact not the outcome of the Revolution, but of the reaction from the Revolution, and this the author seems at times to forget.

C. R. CRUTTWELL.

Jules Favre. Par MAURICE RECLUS. (Paris : Hachette, 1912.)

Ernest Picard. Par MAURICE RECLUS. (Paris : Hachette, 1912.)

IT is the recurring embarrassment of liberalism that its every success is in a measure suicidal ; since its action must constantly be devoted to the appeasement of those very discontents which unappeased had been its own best recruiting-sergeants. This process is in some sort perpetual ; but few careers have furnished it with more striking illustration than those of the republican opponents of the second empire, two of whom have recently found in M. Reclus a biographer whose work proves him well fitted for his task. For, indeed, there is scarcely one of these republican idealists whose reputation would not have stood higher in history if they had died with their aim unaccomplished, and if the empire they attacked had outlived them and not they the empire. In part this was due to a certain inevitable tarnishing of the achieved political ideal. For to France the Republic under the restored empire was what the Empire itself had been under the restored monarchy : a dream and a despair, a kind of divine antithesis to present political corruption and stagnation, endowed by mere process of exhaustion with every virtue the existing régime had not. With the reality came disillusion ; indeed the third republic to-day is stronger than its predecessors less from lack of disillusion as to the present than because in France now, for the first time, disillusion as to the present is not enhanced by any illusion as to the past. The comparative shadow in which most of the republican leaders spent their declining years was due, then, in part to this natural disparagement of a realized ideal. But it was due also, and in larger measure, to the fact that with the disappearance of the empire the business of undermining it was at an end. Its critics, by the mere success of their criticism, found their occupation gone. And something of this fate too befell both the heroes of M. Reclus' volumes, when Favre found himself at the last with a republic to defend instead of an empire to attack, and Picard was left with no Rouher to exasperate, no meek imperialist majority to astound by his audacity, no Haussmann to pursue with brilliant invective and scathing pitiless sarcasm. It is the tragedy of all such purely destructive conflict, that in it in the end nothing fails like success.

Of the two volumes under discussion, that on Jules Favre forms, as its subject warrants, a full-length portrait ; to which M. Reclus' slighter study of the smaller man serves as an admirable pendant. This short life of Picard is in fact a concise but sufficient biography, based on an abundance of family papers, of a politician not absolutely of the first rank, yet deserving some more enduring memorial than the casual comments of contemporary memoir writers ; deserving it, we are tempted to add, not less but more that he did not himself leave memoirs of his own. We notice that M. Reclus seems quite to discredit (p. 172) M. Ollivier's suggestion that, but for the outbreak of the war, Picard also might eventually have been rallied to the liberal empire. Though profoundly convinced of the necessity of accepting only with extreme caution M. Ollivier's statement of events, and frequently of rejecting altogether his analysis of

motives, we yet think that in this instance his inference was not lacking in foundation.

To turn from Ernest Picard to Jules Favre is to turn from the most robust and practical to the most eloquent and visionary of the republicans of 1870—to the Berryer of republicanism, to the Lamartine of the third republic. M. Reclus defends himself in his preface from the charge of appearing as Jules Favre's defender. Nor, indeed, is his work a mere rehabilitation. Nevertheless, no detailed study of Jules Favre's life can fail to vindicate him from some at any rate of the charges which popular criticism showered upon him in his last years. M. Reclus is justified, we think, in insisting that against Favre's undoubted intervention to hinder France from preparing for war before 1870 must be set his strenuous efforts to restrain France from declaring war in 1870. But he ignores the fact that however urgently Favre demanded the production of documents on 15 July, he was not one of the tiny handful who actually voted the refusal of supplies for the war; just as in his other book our author passes over in silence—though silence here is absolutely misleading—the fact that in that final division Ernest Picard was not even neutral, but cast his vote with the majority. More successful, we think, is M. Reclus's exculpation of Favre from the charge of having merely forgotten the existence of the army of the East, in the terms of the capitulation which he concluded at the close of January 1871. But it remains clear that both on this occasion, and still more in his handling of the negotiations which preceded the actual treaty of Frankfort, Favre's very honesty and simplicity of purpose placed him at a disadvantage in dealing with such an opponent as Bismarck; indeed, to do M. Reclus justice, he makes no attempt to disguise the gravity of the errors committed by Favre on the latter occasion.

On the whole, both of Favre and Picard, we are left confirmed in our opinion, that for them the great days really were those of their common membership of the famous 'Five'; that they themselves suspected their importance already somewhat diminished by the larger republican infusions of 1863 and 1869, since the more vulgar vehemence of these infusions threw into the shade their polished parliamentary attack, and the mere numbers must in any case have sufficed to deprive the old leaders of the somewhat fictitious glamour attaching to men who fight (metaphorically) against desperate odds. And though their republicanism was no mere fugitive and parliamentary passion, we yet suspect that they had greater joy, as they had greater glory, in the quest of their ideal than ever in its attainment.

Both volumes are furnished with references to authorities, though these are not always quite accurately cited (e.g. *Jules Favre*, p. 318, n. 4). Both contain serviceable bibliographies; and the larger life, that of Jules Favre, is also provided with an index. Of this unfortunately less can be said in praise. It still seems somewhat ungracious to find fault with any French index, since to find one at all has not yet ceased to be a pleasant surprise. Indeed, of the many minor improvements of recent date in French historical work, none has been more welcome to the ordinary reader than the reluctant recognition of the fact that to such work an index

is indispensable. Unfortunately the indexes provided are still frequently inadequate; and when, as in the present volume, an index which is a mere list of names and figures serves not to reinforce but to replace the old analytical *Table des Matières*, then the last state of the student is worse than the first. How does it help him here, for example, if he turn to the name Bismarck, to find merely a bare string of some hundred numerals; roughly a blind reference to one page in every five in the book? That such a proceeding in the case of oft-mentioned individuals is not really profitable seems to have occurred even to the compiler of the index, for he has excluded from it all mention of Jules Favre himself or of his near relations. Bonaparte (Louis Napoleon) and Napoleon III have each their several collection of numerals, without any cross-reference: nor is the division even chronological; for where in the latter half of the volume the emperor is mentioned—as among good republicans he still commonly was mentioned—by his family name and not by his title, the entry is made under the former heading alone. The index is not the work of the author, but we still hesitate to draw the only logical inference, namely, that from its compiler the fact was hidden that Louis Napoleon Bonaparte and Napoleon III were one.

F. A. SIMPSON.

Short Notices

PROFESSOR ORAZIO MARUCCHI's small volume on Christian epigraphy (*Epigrafia cristiana*. Milan: Hoepli, 1910) has been translated by Mr. Armine Willis (*Christian Epigraphy*. Cambridge: University Press, 1912), and forms an excellent introduction to the subject. Nearly every inscription of historical importance from Rome is given in full (we should have expected a fuller account of that set up under Celestine I in S. Sabina, quoted on p. 422), and many are included in the thirty plates of facsimiles at the close of the volume; and there is a good selection of typical examples taken from private monuments. Professor Marucchi does not attempt to cover the empire as a whole; but he devotes some pages to the famous inscription of Abercius. Mr. Willis's translation is both accurate and readable, but contains a few Italianisms. It is not usual to speak of the cemetery of 'Callisto'; and the *grotte Vaticane* are not described in English as 'grottoes', but as the 'crypt' of the Vatican. H. S. J.

The third edition of Dr. Carl Mirbt's *Quellen zur Geschichte des Papsttums* (Tübingen: Mohr, 1911) does not vary greatly from the second of 1901, save in the additions which the policy of Pius X has rendered necessary. Smaller type has enabled the author to limit his increase to thirty pages. The arrangement is improved here and there, and among the enrichments of the earlier part are the bull *Clericis laicos*, the prophecies of St. Malachi, and an extract from Mariana on the murder of princes. It is surely time that Pope Joan should disappear. From an English point of view the controversies between church and state in Germany since the Reformation, and especially in recent times, occupy an excessive space, and seem to indicate that one purpose of the work is to serve as an armoury for protestant debaters. This may be very useful in Southern Germany, but it injures the symmetry and the temper of a very learned and accurate volume. A.

Two Select Bibliographies of Mediaeval Historical Study, by Miss Margaret F. Moore (London: Constable, 1912), comprise classified lists of works relating to the study of English palaeography and diplomatic and to English manorial and agrarian history down to 1660. Both are helpful, and are manifestly the result of a careful exploration of catalogues and indexes as well as in most cases an inspection of the books themselves. For the second part the transactions of local societies have been gone through in a way that will save students a great deal of trouble. The palaeographical lists, it should have been explained, are

not—as indeed they could not be—limited to England; but if M. Chatelain's book on Tironian notes was included, the important paper by M. Maurice Jusselin in the *Bibliothèque de l'École des Chartes*, lxviii. 481-508 (1907), should have been mentioned also. Occasionally the alphabetical arrangement under authors' names leads to inconvenience: thus no. 274 in the first part is a supplement to nos. 275, 276, and no. 292 deals with the same document as no. 290. Each part has a full index; in the second we miss 'Barnwell'. B.

An interesting *Bibliographie Lorraine* (1910-11) of historical and other works which have appeared within the last few years has been issued by the *Annales de l'Est* (Paris: Berger-Levrault, 1911). C.

It is a good testimony to the practical usefulness of Andrew Wright's *Court-Hand Restored* that there should be a demand for a tenth edition of it (London: Stevens, 1912) nearly a hundred and forty years after it was first published. But in almost every edition since the first three it has more and more departed from its original purpose, which was to teach people to read definite types of writing known as court-hand; and it has become filled up with miscellaneous matter, palaeographical and glossarial, which can be found very much better elsewhere. It may have been excusable in 1879 to give 'photolithographical' facsimiles of heterogeneous documents; but when they are reissued in 1912, we perceive that the publishers are working off old stock. The editor himself, Mr. C. Trice Martin, has twice revised (though not at all sufficiently, see *ante* xxv. 804 f.) the glossary and list of Latin names of persons and places. Thus in the result we have an expensive book of which the only part specifically valuable for the worker at court-hand records is contained in Wright's original twenty plates, which might easily be published at a very low price instead of at a guinea net. D.

Professor Mentz's *Handschriften der Reformationszeit* (Bonn: Marcus & Weber, 1912) forms the fifth volume of the well-known series, *Tabulae in usum scholarum*, edited by Professor Lietzmann. It does not attempt to illustrate the handwriting of the period comprehensively; but its fifty plates, mostly containing two specimens each, are derived from the archives of Weimar, Marburg, and Nuremberg, with a few from elsewhere, and represent in the main the circle of Saxon and Hessian reformers and humanists, with the addition of some princes and statesmen. The aim of the book is practical, to provide students with specimens to work at, and to aid the researcher in the identification of unknown handwriting; and these purposes are excellently fulfilled. The reproductions are admirable, and the specimens selected are carefully deciphered in a detachable fascicle, which for the convenience of the student can be placed alongside the plates. One quarter of the specimens are Latin, and the rest German. The Latin handwritings are markedly superior, whether in the bold, spacious characters of Erasmus and Melancthon, or the neatness of Jonas and Zwingli—a superiority which cannot be entirely accounted for by the freedom with which men write in the vernacular. P. S. A.

L'Arbitrage international chez les Hellènes, written by A. Raeder and translated into French by M. Synnestvedt (Kristiania: Aschehoug, 1912), constitutes volume i of the Norwegian Nobel Institute. The book is planned on the following lines. There is first a list of all the known cases in which Greek states either employed or projected arbitration for the settlement of international disputes, arranged, as far as possible, in chronological order. The list is followed by a full account of each case, with references to the ancient authorities and their modern commentators. This fills pp. 1-142; the rest of the book (pp. 142-322) is occupied by inductions from the facts previously set forth in the way described. In a sense it is correct to say that the book contains little or nothing with which we were not already familiar; but it is none the less a very valuable work, for which scholars will be grateful to the writer. Its value, however, would have been considerably greater if an index had been appended. In form the book is a beautifully printed volume with spacious margins.

W. A. G.

In a volume entitled *Culti e Miti nella Storia dell' antica Sicilia* (Catania, 1911), Signor Emanuele Ciaceri analyses the principal ingredients in the mixed religious system of ancient Sicily. In the light of the results of recent excavation, in Sicily and elsewhere, and especially in Crete, he identifies a number of local manifestations of the same religious ideas and personages as are prominent in the Minoan civilization. Then come myths and cults of oriental origin, among which, curiously enough, he names the legends which couple the name of Daedalus with that of Minos; and the great Graeco-Roman deities, the twelve gods of Olympus, all of whom have their share of Sicilian devotion. A more difficult and interesting problem is presented by the minor divinities, many of whom may well be found eventually to belong to the 'indigenous' group. Finally, there are the heroes and other mythological personages of less than divine rank, of whom the most important are Herakles and the numerous figures from the Trojan cycle. The writer makes good use of recent anthropological work, and offers a 'totemistic' explanation of the Sicilian dog-worship; and also sees clearly that our knowledge of Sicilian religion not only comes to us from Greek sources, but also from a Greek population long settled in the island, and accustomed, here as elsewhere, to apply Greek names freely to non-Hellenic things.

J. L. M.

Mr. A. E. MacKilliam's *A Chronicle of the Popes from St. Peter to Pius X* (London: Bell, 1912) is a careful compilation from inadequate and often indifferent modern sources, made by one who has not enough general knowledge of history to save him from error and teach him the relative importance of events and the sequence of cause and effect. The misapprehensions are evenly distributed throughout the whole story; gross mistakes of fact are frequent. Luther was 'secretly conveyed to a castle in the Wartburg'; the account of the Sixtine and Clementine vulgates is wholly wrong. Necropolis is printed for Nicopolis, and Bede cited from Bohn's translation. But a considerable quantity of information is given in an amiable spirit.

E.

The first edition of Professor Haverfield's monograph on *The Romanization of Roman Britain* (originally read before the British Academy in 1905 and published in 1906) was reviewed by Professor Bury (*ante*, xxi. 759), and it is not necessary for me to add to what is there said as to its general scope and the merits of Mr. Haverfield's work. In the new edition (Oxford: Clarendon Press, 1912) the author has made the book more convenient for reading and reference by dividing it into eight chapters and adding a table of contents, a list of illustrations, and an index. The text has also been revised and new matter inserted, among which I may mention the evidence as to the cantonal system in Britain derived from the geographer of Ravenna (p. 52), and the addition to the account of British art by the description of the lion and the dragon-brooches of Corbridge, of which illustrations are given (pp. 42-4). The remarks as to the disuse of native languages in the empire have been modified (p. 14), and indeed the previous edition was hardly consistent on the point. But does not the statement as to the limits of Roman civilization (p. 20) also need some modification since the excavations at Din Lligwy, of which an account is given on p. 37?

E. W. B.

M. E. Maguin's *L'Église wisigothique au VII^e Siècle*, tome i (Bibliothèque d'histoire religieuse. Paris: Picard, 1912), is not, as we might suppose from the title, a history of the Spanish church in the seventh century, but an account of its constitution and canons from the conversion of Reccared to the Arab conquest, and is almost entirely based upon the acts of the councils. Those, therefore, who look for a narrative of the process by which the church throttled the monarchy and brought the state to ruin will be disappointed. The author expressly disclaims a position of impartiality, and, while admitting the weaknesses of the church, writes throughout from a Roman Catholic point of view; accordingly, though he twice tells the story of the deposition of Wamba, he in one place (p. xxxii) altogether passes over the clerical intrigue by which it was brought about, and in the other (p. 76) only hints at it. It seems also a preposterous theory that the canon of 681 which permitted the archbishop of Toledo to appoint a bishop for any see in the kingdom with the king's sanction, passed as it was under the clerical puppet Ervig, was intended to exalt the royal prerogative (p. 101). Nevertheless M. Maguin has used his scanty sources with care and ability, and has produced a sketch of the constitution of the church by which every one who wishes to study this obscure period will profit. The present volume, however, deals only with the councils and the bishops, and it is to be followed first by a volume on the inferior clergy, monks, and laymen, and then by one on the liturgy, discipline, and material organization; and we shall be in a better position to judge of the value of the work when the whole has appeared. The author seems to be in some confusion as to the date of the Arab conquest, which on p. xxxiv he gives as 712 and in other places as 711, and on p. xxxiv he appears to state (though he can hardly mean to do so) that the whole country, except certain mountainous districts, was conquered in about six months. It would also be hard to find evidence outside the legend of Roderick

for making Tangier part of the Gothic monarchy, and it is surprising eight years after the appearance of M. Babut's monograph on the council of Turin to find that assembly assigned to 401 (p. 43). To us also it is strange to see it stated that Anglicans accept the first ten councils (p. 38). In the classification of the synods of Toledo on pp. 48-51 there must be some omission, for the evidence for the national character of the seventh synod is not given. The comment on p. 143, n. 1, seems to be misplaced, for it is in the preceding note that *vel* occurs. E. W. B.

In his *Short History of English Law* (London: Methuen, 1912) Mr. Edward Jenks touches very lightly upon the history of the courts and upon the history of constitutional law, with which the existing books quite adequately deal, but apart from these matters he has covered practically all the ground with which the ordinary student need concern himself. The subject is a large one for a single volume, and the result is that the style suffers somewhat from excessive condensation; but Mr. Jenks has avoided the tendency to generalize, which is sometimes the danger of elementary works, and his careful citation of authorities for every statement of fact should do much to impress the student with one of the cardinal virtues of legal study. The chief fault we have to find is that Mr. Jenks does not always seem to recognize the existence of two sides to a highly controversial question. Thus upon the vexed question as to the authority of the canon law in England he adopts Maitland's conclusions against those of Stubbs with no more than a somewhat contemptuous footnote (p. 21) that 'the old theory is finally disposed of in the work entitled *Roman Canon Law in the Church of England* published by Professor Maitland in 1898'. We cannot discuss this controversy here, but the opposite view is not obsolete and is at any rate entitled to respectful discussion. Then in another place (pp. 335-7) contempt is poured upon the famous Taff Vale decision without any effort to appreciate, or even to summarize, the reasons which six eminent judges took some trouble to elaborate; and the statement that 'the House of Lords had first invented a new civil offence ("civil conspiracy"), and had then created a new kind of defendant against whom it could be alleged' seems to compress a large amount of error into a single sentence. These somewhat partisan expressions do not seriously impair the value of the historical matter that Mr. Jenks has so carefully compiled, but in questions of opinion it is to be hoped that students will go cautiously and learn to treat eminent authorities with at least conventional respect.

H. A. S.

The first volume of Professor P. J. Blok's *Geschiedenis van het Nederlandsche Volk* was reviewed by us at length in 1894 (ix. 736-40), and we mentioned its appearance in a German translation in 1902 (xvii. 610). We have now to notice the publication, by Mr. Sijthoff at Leyden [1912], of a second and revised edition of the original. This, though still called *eerste deel*, represents in fact the first two volumes as they were formerly issued, and extends to the appointment by Philip II of Margaret of Parma as regent of the Netherlands. It may be regretted that the convenient form

of the old book should have been abandoned for a ponderous large-octavo of more than 700 pages. The appendix on the materials for Dutch history will be found extremely useful for its references to articles and criticisms scattered in various periodicals.

F.

We are glad to see that Professor Karl Hampe's *Deutsche Kaiser-geschichte in der Zeit der Salier und Stäuffer*, on the exceptional value of which we commented three years ago (*ante*, xxiv. 609 f.), has already passed into a second edition (Leipzig: Quelle & Meyer, 1912). The author has used the interval to good purpose in incorporating the results of the most recent work on the period with which he deals. It is much to be wished that a translation of the book could be made. The English reader has no book on the subject accessible which is at all recent or trustworthy.

G.

The edition of the *Vitae Sanctorum Danorum*, by Professor M. C. Gertz (Copenhagen: Gad), of which the first part appeared in 1908 (see *ante*, xxv. 810) and the second in 1910, has now been completed by the publication of part iii. The second and third parts together contain the lives of seven Danish saints; with the exception of St. Erik, who met with a violent end in the year 1250, all of these belong to the twelfth century. The fullest of the lives is that of St. William, abbot and confessor, who was a Frenchman brought to Denmark by the Archbishop Absalon; the account of him, which extends to sixty-three chapters, was apparently written by a fellow countryman, and must date from about 1220. Of the others only very short accounts, or in some cases mere fragments of the original lives, exist; this is the case with St. Knut (the later of that name), of whom there was once a life in three books by Robert of Ely, written within a few years after the king's death. One or two of the saints had a very local fame, such as St. Margaret of Roskilde, who was murdered in 1176, and St. Andrew of Slagelse, famous for a miraculous journey made from Palestine to his home in Denmark in the course of one night. In every case Professor Gertz has carefully described and edited the available materials, and indicates the probable date and provenance of the respective texts. He has also made his work still more complete by the addition of full indexes of names and words, the latter being a useful contribution to the vocabulary of medieval Latin. The book is one of the series issued by the 'Society for the Publication of Sources of Danish History', and the price is remarkably low for such a work.

W. A. C.

In *The Exemplum in the Early Religious and Didactic Literature of England* (New York: The Columbia University Press, 1911) Dr. J. A. Mosher traces the fortunes of the exemplum, whose essentials he defines as '(1) a brief narrative, (2) human characters', from its modest beginnings till in the fifteenth century 'the preacher has become a teller of tales rather than an expounder of the gospel'. The practice was of foreign, not of native growth, and in the early exempla illustrations are drawn almost exclusively from ecclesiastical affairs, the *Gesta Romanorum* marking

a transition between such collections and later 'compilations of tales which, though sometimes didactic in tone, were largely secular in content, were more pleasingly told for popular entertainment, and left the lesson to be drawn without the aid of an explanation'. More might have been done to bring out the value of the exemplum in illustrating social life and manners. But the attempt to write its history in England suffers from the fact that at any rate two of the most important collections have never been edited, the *Speculum Laicorum* and the *Fasciculus Morum* (no edition of the latter has even been undertaken). The book came out too early for the author to make use of Mr. Herbert's third volume of the *Catalogue of Romances in the Department of Manuscripts of the British Museum*. Dr. Mosher's style is not always clear: a sentence on p. 93 is quite unintelligible; but in general his work is careful and should prove useful.

A. G. L.

Abbot Gasquet's *England under the Old Religion, and other Essays* (London: Bell, 1912), is a collection of slight but pleasant essays and lectures given in the United States, most of which deal with the Reformation, and some of which are mainly controversial (e.g. on Anglican ordinations). 'A Hundred Years Ago' is a glance at the former position of English and Irish Roman Catholics, and 'Scotland in Penal Days' is a sketch of the same kind. 'The Makers of Downside', which does not, of course, come down to quite late days, has other interests, and the final essay on 'Editing and Reviewing' is a very frank criticism of some inaccurate editions.

J. W. P.

English Church Law and Divorce (London: Murray, 1912) contains notes on the *Reformatio Legum Ecclesiasticarum* by Sir Lewis Dibdin, and notes on the Divorce and Re-marriage of Sir John Stawell by Sir Charles E. H. Chadwyck-Healey. The former of these contributions is a very accurate and painstaking study of the history of the *Reformatio Legum*, for a knowledge of which students owe so much to the well-instructed and enlightening labours of Cardwell. Sir L. Dibdin rightly sees in the existing manuscripts a sign of the influence of continental reformers upon Cranmer and Parker. In all likelihood the conclusions here given come as near certainty as can be expected. The causes of the history which prevented the *Reformatio* having any other force than a mere record of passing opinion on the part of some ecclesiastical leaders may be a little doubtful: 'the opinions of some sixteenth-century churchmen as to divorce,' collected in chapter iii, would suggest that conservatism among the rank and file of English churchmen was one of them. Sir Charles Chadwyck-Healey's notes are of more restricted interest, but serve to complete this interesting study.

J. P. W.

It is hardly fair to expect thoroughness throughout from a *History of Divorce* in 280 pages which Mr. S. B. Kitchin has published (London: Chapman & Hall, 1912). The summaries of modern legislation in France, England, the United States, and the British colonies are very useful, but the earlier chapters have less value, and there is a tendency to look for

definite enactments rather than for long processes, sometimes based on clear principles, sometimes working towards clear systems. Thus chapter ii on the early fathers has no great value, and the sketch of canon law in chapter v is so summary as to be misleading. The inquisition can hardly (pp. 61-2) be held responsible for the hold which the canon law obtained, and the estimation of marriage as a sacrament should not be ascribed (p. 63) to the wish to give the pope exclusive jurisdiction over it. Medieval thought and practice were complicated, but they are made quite unintelligible if only regarded as artifices of fraud. The views of Lecky and Lea need consideration and argument before adoption, and a sound historic investigation would proceed on other lines. It cannot be said (p. 176) that 'Edward VI indeed ratified' the *Reformatio Legum*. From the Reformation onward, however, the work has greater value, but chapter xii, on the present position and tendencies, goes into controversies with which a merely historical critic has little to do. The bibliography is a little perfunctory.

J. P. W.

In the period treated by M. Paul Viollet in his *Histoire des Institutions politiques et administratives de la France, Le Roi et ses Ministres pendant les trois derniers Siècles de la Monarchie* (Paris: Larose & Tenin, 1912), there was comparatively little constitutional development in France, those changes that took place conducing mainly to the consolidation and regularization of a state system which had resulted in somewhat haphazard fashion from the creative energies of the middle ages. At the beginning of the sixteenth century the royal power was the greatest force in the kingdom, buttressed not only by traditional supports, but by the institutional organs, and more convincingly by a regular army and fixed revenues. The dominant trait in the historical development of the next three centuries was still the continuation of the unifying tendency—the motive power being, not so much the king, as was the case with Louis XIV, but his immediate instruments. The king's 'ministers', to use the term as M. Viollet uses it—that is, in its widest sense—became the real governing force—the administrative system became sovereign. It is this fact which justifies the remark to be found in the author's preface, 'l'État moderne n'est autre chose que le roi des derniers siècles.' Starting with an historical account of the growth of the realm, M. Viollet proceeds to examine fully the origin and nature of the theory of divine right, and the exact legal position of the monarch as legislator, administrator, and judge. The ministers and their bureaux are also fully treated, both from the historical and from the judicial point of view. The second half of this volume deals with the development of the army and navy, certain of the public services, such as those of the posts and forests, and concludes with a comprehensive study of the Intendant. M. Viollet's work forms a supplement to his monumental volumes on the political and administrative institutions of France during the middle ages, and is to be followed by others dealing with the *parlements*, the clergy, and the finances; so that when the scheme is complete we should have a veritable manual of French public law from the earliest times to the Revolution. The present volume combines an immense

erudition with a pleasant lucidity of treatment. The student owes a debt of gratitude for the excellent bibliographies provided at the end of each chapter.

C. E. M.

In 1866 the late Mr. J. H. Bridges published a small volume on *France under Richelieu and Colbert*, which has now been reissued under the editorship of Professor A. J. Grant (London: Macmillan, 1912). Mr. Grant justly observes that the author's point of view is still valuable, for he regards the old monarchy as engaged in the task of preparing the way for the European, not the French, Revolution of 1789. This point of view is substantially that of Tocqueville, who pointed out that the destruction of political liberty and the estrangement of classes were the causes of almost all the disorders which led to the dissolution of the *ancien régime* in France.

R. H. M.

In *Le Cœur d'une Reine* (Paris: Alcan, 1912) M. P. Robiquet makes effective use of manuscript evidence in trying to explain some of the changes of the Fronde by the intimacy that existed between Anne of Austria and Mazarin. Of their deep affection for each other he gives many proofs. At first Anne did not care for the ex-captain of infantry, but the weakness of Beauvais and the boldness of Beaufort rendered his knowledge indispensable to her. In August 1650 Mazarin asserts, with justice, that 'the Queen will never abandon me, and though she should be reduced to a single province she will always maintain me'. The author's thesis enables him to throw fresh light on the attitude of the cardinal when Louis XIV proposed to marry Marie Mancini. At the same time in considering the love of Anne for Mazarin we must bear in mind the judgement of Madame de Motteville that the queen 'loved nothing ardently'.

R. H. M.

Dr. Michael Strich's little book on *Liselotte und Ludwig XIV* (Munich: Oldenbourg, 1912) is an interesting addition to the literature connected with the life and correspondence of Elizabeth Charlotte, duchess of Orleans. The list of books and articles on the subject is already an extensive one, and Dr. Strich devotes his first chapter to a brief critical account of the work which has been done during the last twenty-five years. He is inclined to credit the duchess with a greater measure of political influence than has sometimes been allowed. In the second chapter he deals with Louis XIV, the duchess of Orleans, and Madame de Sévigné, and in the third he describes the relations between the duchess and the king. The book is not, of course, a complete biography, but rather a contribution towards a biography, and it is essentially a book for students. A facsimile of the duchess's handwriting is given, taken from her letter of vindication to Louis XIV.

G. B. T.

M. Gaston Cahen's *Histoire des Relations de la Russie avec la Chine sous Pierre le Grand (1689-1730)*, and his edition of *Le Livre de Comptes de la Caravane russe à Pékin en 1727-8* (Paris: Alcan, 1912), are the outcome of a scientific mission to Russia with which he was entrusted by

the minister of public instruction. The reign of Peter the Great roughly corresponds with that of the illustrious Manchu emperor, K'ang-hi, after he had dismissed his regents and assumed personal rule. Bell of Antermomy, who accompanied some of the Russian missions to Peking, is the best-known authority in English upon the Russo-Chinese relations of this period. Dr. John Dudgeon about forty years ago published a series of papers upon the subject in the *Chinese Recorder*, and the writer of these lines at various times within the past fifteen years has printed further notes upon the Chinese narrative as given in the *Tung-hwa-luh* (republished from the Manchu state archives). M. Cahen, having had access to the vast but ill-arranged mass of dusty Russian archives, mostly still in manuscript alone, has of course been able to fill in many *lacunae*, and to confirm what has hitherto been ambiguous or doubtful. At that time the Kalmuks, who during the 300-years' domination in China of the native Ming dynasty (1368-1644) had given incessant trouble, and had even once captured a Chinese emperor, were contesting with China under the new Manchu dynasty the suzerainty over Tibet and Mongolia. In order to strengthen their position the Kalmuks persistently intrigued with Russia, and this fact of course affected the Russian efforts at Peking to establish satisfactory commercial relations with the Manchus: on the other hand, the French Jesuits at Peking were the only interpreters available to the ignorant but orthodox Russians, whose natural hostility towards the Jesuits in Europe had to be moderated further east in view of their requirements at Peking. K'ang-hi's successor in 1727 at last concluded with Russia a definite treaty which put Russian trade at Kiachta upon a firm footing. Already in 1689, by the treaty of Nerchinsk, Peter, then first the sole sovereign in Russia, had been forced by K'ang-hi to abandon the Amur; and in the winter of 1720-1 Ismailoff, whom Bell accompanied, had concluded a temporary agreement; but the Kiachta treaty remained practically unmodified until 1858, when Russia regained the Amur. The Kiachta treaty meanwhile had set the Manchu hands free to accomplish the destruction of the Kalmuks and, as a sequel, the conquest of all Turkestan. M. Cahen's book is chiefly valuable as a work of reference for specialists.

E. H. P.

The first ten numbers of the valuable series of original records entitled *Selections from the Records of the Madras Government, Dutch Records* (Madras: Government Press) were noticed in this Review for October 1910. Nos. 11 and 12 (1910) contain the Memoirs of Commandeurs Caspar de Jong and Godefridus Weijerman dated respectively 7 March 1761 and 22 February 1765. No. 13 (1911) is a translation by Mr. A. Galletti and the Revs. A. J. van der Burg and P. Groot of the Memorandum of Julius Valentijn Stein van Gollennesse, 1743, and the Memorandum of Adriaan Moens, 1781. The value of the translation is much enhanced by a map of South Malabar, and by numerous woodcuts mostly reproduced from Baldaeus. Mr. Galletti contributes a careful introduction and notes. No. 14 (1911) contains the original text of a memoir of early date, namely the Memorandum of Hendrik Adriaan van Rheede of the year 1677. The manuscript in the Madras archives being defective and illegible, recourse

has been had to copies obtained from Holland. No. 15 (1911) contains accompaniments to letters from Negapatam of 1748-50 and 1757-8.

R. W. L.

The close connexion in the past between political opinion in Manchester and the interests of the cotton industry is exhibited by Mr. G. B. Hertz in his thoughtful and brightly-written little volume, *The Manchester Politician, 1750-1912* (London: Sherratt & Hughes, 1912). In speaking of 'what Manchester thinks to-day', he observes that that is a complex problem, for the interests of the city have become more various, its character less provincial, and its political opinion less characterized by a special impress since the times when its cotton trade was absolutely dominant. He writes from the point of view of an imperialist and a tariff reformer, but as Sir Alfred Hopkinson says in his appreciative preface, he states his facts fairly and treats them honestly.

W. H.

The one serious criticism that can be made upon Lady Edgar's book, *A Colonial Governor in Maryland; Horatio Sharpe and his Times, 1753-73* (London: Longmans, 1912), is that it strays too far from Sharpe and his colony. Much of the general history of the French war and the Revolution might well have been omitted, while more information about Maryland would have been welcome. The glimpse which we are given of the colony and of the governor is most attractive. The society of Annapolis seems to have modelled itself more closely on that of old-world England than that of most American capitals. In Maryland alone the feelings and the property of the loyalists were respected; and two of her sons, the younger Daniel Dulany and John Dickinson, represented in their writings and in their conduct an attempt to combine the cause of liberty with that of loyalty. From 1753 to 1769 the colony was ruled by Horatio Sharpe, a Yorkshire gentleman, whose family had influence both with the proprietor and with the privy council. He took with him as his secretary John Ridout, the Dorset-born descendant of Huguenot refugees of the sixteenth century. Sharpe built for himself on the shore of Chesapeake Bay a fine country-house, Whitehall, which after his departure in 1773 became the home of his friends, the Ridouts, and remains yet in the hands of their descendants. Sharpe was a most popular governor; and, in the style of a good old country-gentleman, he took a great interest in the agriculture and home industries of 'his people'. His own passion was gardening. He was not by any means a great administrator. In the French wars he could effect no reconciliation between the claims of the assembly and those of the proprietor, and in despair proposed in 1754 that a stamp duty be imposed by parliament. In his time the famous Mason and Dixon line was run between Maryland and Pennsylvania, and about 1762 he was called upon to consider a plan to make Maryland still more like England by a system of 'influence' analogous to that which bound 'the king's friends' to the interests of George III. Sharpe thought that affairs were 'differently circumstanced' on the other side of the Atlantic, and would 'never bribe any of those who endeavour to carry their points by violence'. The material used and quoted by Lady Edgar undoubtedly

'brings to light a good many admirable traits in this worthy and hard-working governor', but the necessary limitations of a work which makes him the central figure of his age are suggested by George III's remark (although it referred directly to a military command), 'a little less honesty and a little more ability might on the present occasion better serve our turn.'

J. M.

M. Gaston Dodu's work on *Le Parlementarisme et les Parlementaires sous la Révolution, 1789-99* (Paris: Plon, 1911) embodies some research, although the result is chiefly seen in the fresh illustration of topics already familiar. Among them are certain peculiarities common to the constituent assembly, the legislative assembly, and the convention. The absence of recognized parties and the frequent disclaimer of party spirit; the practice of composing speeches at home and reading them in the tribune which was maintained through the most terrible and deadly crises; the almost continuous sittings which wore out men's strength and exasperated their passions; the short term of office allowed to the presidents and their consequent lack of authority; the indulgence shown to noise and tumult among the spectators; all these have been dwelt upon by many previous historians, so that M. Dodu can only add an incident here or a quotation there. Some of the differences between the three assemblies are also well known to students. In the constituent assembly manners were usually courteous; duels were rare, and political opponents sometimes lived in personal intimacy. Attendance was usually regular, and a majority of the members spoke at one time or another. In the convention political antagonists were mortal foes and, if they survived the Terror, maintained their mutual hatred to the end. The attendance in the convention was usually small, and few ventured to make speeches. But less familiar aspects of French parliamentary life in those days are also treated at some length by M. Dodu. Deputies were constantly solicited to obtain favours for the place which they represented or for individual electors, and in return they often pressed the municipal authority to do something for themselves or their dependants. They were prone to interfere with the course of administration, and they frequently solicited ministers for a place. Average human nature is not, as we sometimes imagine, held in suspense during the sublime or terrible moments of history. M. Dodu calls attention to the importance of the *suppléants*, the persons chosen to take the place of such actual members as might be disabled from performing their duty. He remarks that the number of deputies to the convention who were members of the Jacobin Club has been exaggerated. He thinks that the club had far less influence on the convention than we commonly suppose. In parting from his book we may note his singular description of the members of the constituent assembly as representing 'la grande propriété'. More than half of them were members of the professional or business middle class, rather hostile than friendly to great landowners.

F. C. M.

L'Industrie de la Boucherie à Paris pendant la Révolution, by M. H. Bourgin (Paris: Leroux, 1911), forms a useful chapter in the social and

economic history of the Revolution. M. Bourgin deals not only with the organization of the industry itself and its corporative administrations, but with its attendant groups of purveyors and merchants. Despite the ancient regulations which restricted the number of butchers' shops in Paris, a notable increase of these establishments took place in the first period of the Revolution. Their local distribution seemed to depend on the density of the population and the variable movements in the standard of living. When the idea of a general cattle market and slaughter-houses grew, the little shops began to disappear, and the old corporative monopoly was more or less re-established. Were the history of similar industries to be systematically and collectively studied, they would doubtless be seen to appear as factors of varying importance in municipal administration, and even in general politics.

C. E. M.

In *British Radicalism, 1791-1797* (New York: Columbia University, 1912), Mr. Walter Phelps Hall has written a careful survey of the numerous radical pamphlets of the period, and rescued from oblivion several that are well worth reading. His sympathies are entirely with them in their fight against the 'serene and cushioned security . . . of entrenched privilege in England', but he frankly recognizes their mistakes in over-estimating the importance of constitutional reform, in largely ignoring the economic element in the nation's needs, and in sacrificing clearness of programme to the detail of constitution-making. Mr. Hall disbelieves in Burke's wisdom, but we think that he has not really grasped the meaning of his philosophy. To Burke, the constitution was an organism 'of unchangeable constancy'. To Mr. Hall, it is only the mechanism that any given generation cares to fashion for the purpose of its immediate process of government. His book is consequently one-sided as an expression of political philosophy, and its treatment of theory is apt to be superficial. The author's thorough examination, however, of the actual writings and propaganda of the British radicals is of real value, and should prove of service to both historical and economic students of the time. He skilfully appraises the relative ability and originality of the writers whom he reviews. An original note is struck in his attack on the common opinion that the radicals did not plan an armed revolt (pp. 197 ff.). Some English terms are oddly Americanized, as 'counsellors' for 'counsel' (p. 25).

G. B. H.

M. Paul Maltouchet's *Le Gouvernement Révolutionnaire, 10 Août 1792-4 Brumaire an 4* (Collection de Textes sur l'Histoire des Institutions et des Services Publics de la France Moderne et Contemporaine. Paris: Cornély, 1912) is a valuable book of a class with which we are familiar in England: a selection of original documents to illustrate a period of constitutional history. The period here illustrated is that of the 'revolutionary' government as distinct from the 'constitutional' governments springing out of the French Revolution. By the revolutionary government is to be understood a government avowedly exceptional and temporary, established for the purpose of quelling all resistance to the new order in France. M. Maltouchet dates the revolutionary government in this sense from 10 August 1792. He selects this date, not because of the memorable

insurrection, but because the legislative assembly then assumed executive authority and thus violated the principle of the separation of powers, the fundamental axiom of the constitution of 1791. He considers the revolutionary government to have ended on the 4th Brumaire, Year IV, the day before the dissolving of the convention. The period of revolutionary government thus understood he divides into three stages. The first extends from 10 August 1792 to the passing of the law of 14 Frimaire, Year II, which completed the new centralization of power in the famous committees; the second extends from 14 Frimaire to 9 Thermidor, and the third from 9 Thermidor to the close of the convention. The first stage was one of growth; the second, one of irresistible power; the third, one of disorganization and decay. The selected documents are of three kinds: (i) legislative texts, enactments of the legislative assembly and of the convention, and decrees of the committee of public safety and of the executive council; (ii) reports to the convention which preceded the enactment of momentous laws and circulars issued by the government to its agents for their guidance in the administration of the law; (iii) various illustrative documents, such as letters from representatives on mission to the committee of public safety and letters from the committee to these representatives, &c. The most important texts are printed at full length; from the less important extracts are given. One hundred and forty-eight documents are printed in whole or in part and occupy two hundred and forty pages. A business-like introduction affords the student the needful guidance. There is also a useful bibliography. It would be difficult to exaggerate the helpfulness of this selection to teachers and students at work upon a period of French history so crowded and bewildering.

F. C. M.

The Life of Madame de la Rochejaquelein, by Mrs. Maxwell Scott (London: Longmans, 1911), throws no new light either upon the marquise, or the war in La Vendée. It is a popular biography based on the well-known *mémoires*, supplemented by the more recent recollections of Madame de Bouère and others. A bibliography and map of La Vendée are appended. C. E. M.

Professor B. Croce's *La Rivoluzione Napoletana del 1799* (Bari: Laterza, 1912) is a collection of the learned author's studies of various episodes in the history of the ill-fated Neapolitan republic. Practically the whole of these have already been reviewed in these pages (*ante*, xv. 596). The only notable exception is a short sketch of the events arising out of Nelson's relations with the garrisons of the castles at Naples. Professor Croce does not delve very deeply into the matter, but contents himself with endorsing Mr. Badham's conclusions. It is interesting to note that he relies largely on the documents contained in Sacchinelli's life of Cardinal Ruffo. With regard to these the present reviewer has had the good fortune to come into possession of an original print of Ruffo's proclamation of the 15th of June 1799. A comparison of this document with the purported reprint in Sacchinelli's work reveals startling lacunae and inconsistencies, and shows that Sacchinelli cannot be relied on where he alleges that he is reproducing original documents, and that his work is largely based on rough drafts

compiled in the cardinal's secretarial office, many of which probably never saw the light of publicity. It cannot be too strongly urged that when once Sacchinelli's bona fides is successfully challenged, much of the case made against Nelson falls to the ground, and incidentally the danger involved in quoting from contemporary writers without reference to the original manuscript is once more vividly illustrated. H. C. G.

Napoléon et la Pologne, 1806-7 (Paris: Alcan, 1909), by M. Handelsman (for the delay in noticing which we apologize), provides the first thorough and unbiased account of Napoleon's relations to Poland. Hitherto they have been treated in a partisan spirit; but here the balance of evidence and of judgement is well maintained. M. Handelsman describes the alternatives open to the emperor in the autumn of 1806. They were set forth in two leading *mémoires* by Montgaillard and Jomini. The former advocated the re-establishment of the old Polish realm, in order to drive back Russia towards Asia, destroy Prussia, and then close the Continent to British trade. Jomini urged the emperor to strengthen Prussia by giving to her reconstituted Poland, but depriving her of the lands west of the Elbe. Napoleon adopted neither plan, except as regards the continental system: he wavered between them; and, indeed, his Polish policy is marked by indecision down to the year 1812. This resulted, of course, not from indecision of character, but from his opportunist way of regarding Poland merely as a means towards the establishment of the Napoleonic ascendancy. As he said to Talleyrand, 'Aimer, je ne sais trop ce que cela veut dire en politique.' But the Poles also soon perceived that he cared nothing for Poland for its own sake. Hence the enthusiasm displayed in the winter of 1806-7 (which arose largely out of hatred for Prussian bureaucracy) never fully revived. The bargains of Tilsit were as fatal as the Austrian marriage and the astute balancings of 1812 to a genuinely Napoleonic movement in Poland. Incidentally, on p. 95, M. Handelsman refutes the statements of Madame de Rémusat, that Talleyrand favoured the Polish cause. M. Handelsman does not carry his narrative beyond the installation of the Saxon monarch at Warsaw. The facts given on pp. 128-32 show that the creation of the grand duchy of Warsaw, as an apanage of Saxony, was a *mezzo termine* between Napoleon's desire to give Silesia to Jerome and Alexander's counter-proposal. Herr Schilder deems its creation due to Alexander; M. Handelsman assigns it to Napoleon. Surely it was an unsatisfactory compromise between both proposals; and this explains why the new state satisfied no one. It is to be hoped that M. Handelsman will continue his study down to the more interesting period 1811-12. This volume ends with twenty-three appendixes, some of which are of considerable value. The bibliography is also admirably thorough. H.

Dr. Fritz Tarrasch's able book on *Der Übergang des Fürstentums Ansbach an Bayern* (*Historische Bibliothek*, herausgegeben von der Redaktion der Historischen Zeitschrift, vol. xxxii. München: Oldenbourg, 1912) necessarily occupies a wider range than that of mere territorial history. The rivalry of Prussia and Bavaria in the imperial circle of

Franconia, started by the former's succession in 1791 to the native territories of the Hohenzollern and barely reconciled by the Hauptlandesvergleich of 1802, became a leading point in general German and foreign policy during Napoleon's war against the third coalition, when Ansbach was made over by the emperor to Bavaria as a reward for its alliance and a punishment of Prussia for its undecided attitude. But even considering this, the author's careful and unpretending researches into the diplomatic correspondence of Berlin and Munich have produced results of an importance which the title would hardly lead one to expect. With an almost imperceptible, though not unnatural, bias in favour of the southern state, which really stood in some need of French protection against the most unscrupulous of neighbours, Dr. Tarrasch succeeds in definitely settling such vexed questions as that of the Franco-Bavarian passage through Ansbach in defiance of its neutrality, which he shows to have been less consistently upheld on the one and more carefully respected on the other hand than Prussian tradition allows. It is curious too to see how Bernadotte, who desired a principality first at Ansbach itself and then at Nürnberg, connived at the unfair way in which Hardenberg's delegate Nagler sought to hinder Bavaria's possession. The most interesting contribution to general history is the confirmation, from the papers of Bray, the Bavarian envoy at Berlin, of Max Lehmann's hypothesis that Haugwitz was justified in concluding the fatal treaty of Schönbrunn by a secret and oral instruction of Frederick William III (pp. 61 ff.). 'Il (Napoleon) m'a dit qu'il était Corse et qu'il lui (Frederick William) conservait une vendetta' (p. 71) is a characteristic communication of the same diplomatist, which is here inexactly rendered: 'Ich bin Korse und ich behalte mir eine Vendetta vor'. C. B.

In the third and concluding volume of *The Eve of Catholic Emancipation* (London: Longmans, 1912) Monsignor Bernard Ward writes the history of the nine years which began with a new phase in the agitation for emancipation, ushered in by the offer of the catholic board in 1820 of an oath of 'full and undivided allegiance' in place of the oath of supremacy, and which ended with the victory of the catholic cause. While treating of the means by which this victory was gained from an English rather than an Irish point of view, he has necessarily given greater prominence to Irish affairs than in his earlier volumes; for it was to Ireland, to Daniel O'Connell 'the Liberator', to the new catholic association, and to the revolt of the forty-shilling freeholders against landlords' dictation that the victory was due. On these and other kindred matters he has much that is interesting to say, and he says it well. But besides these topics he also deals with others less generally familiar, as the re-establishment of the Society of Jesus in England, not fully accomplished until 1829, and the difficulties concerning appointments between the vicars apostolic and the Stonyhurst fathers involved in it, and the claims of the English colleges in France to compensation from the indemnity fund for the confiscation of their property in 1793. A scheme for a reunion of the churches of England and Rome, the only one ever propounded by a Roman catholic bishop, excited, like many other proposals of a more hopeful character,

a scornful opposition on the part of Bishop Milner. He was then drawing near his end, and it is pleasant to read how the old man's life, for many years spent in bitter warfare, closed in peace with all men. A series of appendixes contains a number of illustrative documents and some discussions, among which may be noticed here a discussion of the question whether Lingard was created a cardinal *in petto* by Leo XII: Monsignor Ward points out that the secret was buried with the pope and that any attempt at solution must be a matter of conjecture. W. H.

The Ritter von Landmann has written an extraordinarily good, short, popular sketch of Moltke's life and work (*Weltgeschichte in Charakterbildern*, herausgegeben von F. Kampers, S. Merkle und M. Spahn. V: *Die neueste Zeit. Die Kriegskunst bei Lösung der deutschen Frage. Moltke*. Mainz; Kirchheim, 1912). He has embedded it in an extraordinarily bad, short, popular sketch of German history during the nineteenth century. The life is good because it is honest, clear, and as accurate as the scale permits. The few strategical comments are without exception appropriate and sound. The reader not specially devoted to military history will gain from this volume a sane and true idea of Moltke as a man and as a general. The reader who wants more must refer to the long life by Max Jähns. The sketch of German and European history is bad because the author cannot rise above the *naïveté* of patriotism. He is honest throughout. He tells truly how Napoleon III in 1870 did not desire a war, and how Bismarck, Moltke, and Roon were anxious for it; he tells how Bismarck manipulated the Ems dispatch in order to bring it about. But he sums up this part of the story by innocently saying that the Hohenzollern candidature 'quite unexpectedly gave France the opportunity of bringing on a war'. His history reeks of the 'arrogance', the 'self-consciousness and military vanity', with which he reproaches the French. The author repeats the assertion, often made in Germany without evidence given, that for Gambetta's levies 'the workshops of neutral England supplied the requisite weapons and made a handsome profit out of the business'. It is characteristic of a patriotic historian that he works on the reader's mind by the inference instead of by the evidence. S. W.

The 1912 volume of the *Collections for a History of Staffordshire*, issued by the William Salt Society (London: Harrison, 1912), is mainly taken up with a continuation of the useful 'Star Chamber Proceedings, Henry VIII and Elizabeth'. The medieval student will find a valuable list of Staffordshire sheriffs, escheators, and justices of the peace (down to 1702), compiled by the honorary secretary, Mr. J. C. Wedgwood, who is also responsible for a large number of reviews. Mr. Wedgwood's comprehensive review of the first thirty-four Public Record Office Lists and Indexes is enriched by numerous original documents relating to Staffordshire. It is good news that future volumes of the society will in alternate years deal with the periods before and after 1500.

T. F. T.

Mr. W. H. Duignan's *Warwickshire Place-names* (London: Frowde, 1912) ought, as well as the author's other books on the names of Worcestershire

and Staffordshire, to be in the hands of every student of English local etymology. Although Mr. Duignan's philological knowledge is obviously only elementary, his methods of research are sound. We should have been glad to have a fuller collection of early forms, and too often a form is accompanied merely by a date without any reference; but Domesday Book, the Old English charters, and some important later sources, have been diligently explored. A large proportion of Mr. Duignan's etymologies may be accepted as highly probable on the evidence furnished. The volume, however, contains several conjectures which the author would hardly have allowed to stand if he had submitted them to the criticism of the scholars whose assistance is acknowledged in the prefaces to his former books. It may perhaps be useful to indicate a few of the necessary corrections. The name Dassett (Domesday *Derceto*, *Dercetone*) is said to be a compound of the OE. *dēor*, deer, and *set*, 'a place where animals are kept'; and Dosthill (Domesday *Dercelai*, twelfth century *Derchethull*) is referred to a hypothetical OE. form *Dēores hyll*. These explanations are inadmissible, because (not to mention other objections) the Domesday *c* represents the sound not of *s* but of *ch* in 'church'; and if it be urged that all the forms in Domesday Book may be scribal blunders, the twelfth-century form affords evidence to the contrary. Under Compton Wynyates (thirteenth century *Comptone Wyniate*, *Wyndyates*) we find the erroneous statement that *wyniates* is 'a medieval form of *vineyard*'. It is in fact the midland form of *wind-gates*, designating a gap between hills. 'The Winnats,' the name of a remarkable ravine near Castleton in Derbyshire, is so interpreted in the neighbourhood, no doubt rightly. Fulready (Domesday *Fulrei*, seventeenth century *Fulridy*) means 'foul stream', the shortening of the vowel of the OE. *riđig*, a stream, being normal in compounds. Mr. Duignan identifies the ending with the OE. *ræde*, 'ready, mounted,' and takes the name to mean 'bad for riding'. Watergall cannot be the OE. *watergefeall*, a waterfall, because the syllable *ge* was unaccented and pronounced *ye*. Probably *gall* is here a misspelling of *gole*, a ditch. The river-name Leam is certainly not the OE. *lēoma*, a flash of light (cf. the Domesday *Lamintone* for Leamington); it is no doubt pre-English, like the name of the river Arrow, which Mr. Duignan supposes to be the English substantive *arrow*. The articles on Coundon and Tardebigg are full of errors, but do not admit of being briefly criticized. Several more mistakes could be mentioned, but the merits of the book outweigh its faults. I.

The Stauntons of Staunton, Nottinghamshire, by Messrs. G. W. Staunton and F. M. Stenton (Newark: Whiles, 1911), gives a brief and pleasant account of an ancient family which has maintained its name and estate, sometimes through heiresses, to the present day. The best part of the work is by Mr. Stenton, who is engaged upon the *Victoria History of Nottinghamshire*. Mr. Staunton's share, though interesting, is not always workmanlike. The pamphlet contains some good illustrations, the most striking being the facsimiles of two deeds of manumission of 1190.¹ The share of this family

¹ See *ante*, xxvi. 94 ff.

on the king's side in the civil war is well described. The 72 pages are full of interesting material, and there is a pedigree that is evidently honest as well as laboriously compiled. J.

Mr. A. C. Fox-Davies, the editor of the new edition of Burke's *Landed Gentry of Ireland* (London : Harrison, 1912), has brought the work as far as possible up to date, has enriched it with illustrations of all coats of arms recorded in Ulster's office, and has improved it in many ways, and especially by the frequent excision of that preamble of legend, supposition, and doubtful tradition with which many genealogies used to begin. Some of the points which historians have established with regard to the earlier pedigrees have been adopted. Thus the De Burgh pedigree (De Burgh of Oldtown) now commences with the well-known William de Burgh, brother of Hubert de Burgh, earl of Kent, and he is no longer confounded with William FitzAudelin. Even in this pedigree, however, there is still room for improvement. Richard de Burgh, son of William, married Egidia, daughter of Walter de Lacy, before 1225. She survived him, obtained dower, and was presumably mother of his sons, who were minors at his death in 1243. This marriage should have been given and Richard's alleged marriage with the granddaughter of the son of Cathal Red Hand O'Connor should have been excised as apocryphal, or at any rate as irrelevant to the pedigree. The Kavanagh pedigree, as stated, is impossible. Donnell Kavanagh, slain 1175, we are told, was succeeded by his son Donnell Oge, who was slain, when a hostage, by Roderic O'Connor [i. e. in 1170]; and Donnell Oge was succeeded by his son Murtough, who was slain in 1281. Murtough was therefore at least 111 years of age when he met with his untimely end. It would be better to confess ignorance of intervening links than to repeat this absurdity.

G. H. O.

In a reprint (with revisions) of a paper first published in the *Galway Archaeological Journal*, vol. vii, Mr. Martin J. Blake gives the *coup de grâce* to the time-honoured supposition, already overthrown by Dr. Round and others, that William de Burgh, 'the Conqueror of Connaught,' is to be identified with William FitzAudelin, dapifer of Henry II. In another reprint from the same journal he publishes the extracts made in 1639 by Sir James Ware from the Obituary Book (now lost) of the Franciscan monastery at Galway (Brit. Mus., Add. MS. 4793, fo. 145). With these are given for comparison some nearly similar extracts from a manuscript in Trinity College, Dublin. Several of these extracts deal with the De Burghs or Burkes, and Mr. Blake in his useful notes seems to tread his way with a sure foot through the mazy genealogy of the family. In both papers reproductions are given of the curious portraits of members of the family from the manuscript entitled '*Historia et Genealogia Familiae de Burgo*'. G. H. O.

In his *Alpine Studies* (London : Longmans, 1912) Mr. W. A. B. Coolidge has included four papers devoted to points of historical interest. In two he traces the process by which the names of Monte Rosa (*Rosa* is a word

for a glacier in the Aostan dialect) and Matterhorn were gradually fixed on the peaks which bear those names to-day. In a third he gives the history of the once much frequented St. Théodule Pass. It was by the latter, it seems, that Vallaisian Germans settled in the Val de Gressoney c. 1200. The date suggests that their migration was connected with the civil war in the Val d'Aosta between the lesser folk and the great lords, the *Pares*, since they came to inhabit a fief which one of the *Pares*, the Sire de la Porte St. Ours, held of the bishop of Sion. K.

Mr. H. H. Statham's *Short Critical History of Architecture* (London : Batsford, 1912) will certainly prove to be a very useful book. It is excellent as a well-illustrated single volume giving a general account of the whole course of architecture from remote beginnings to the high buildings of New York. The large number of clear and well-selected illustrations—there are 580—are especially valuable, and the text is pleasant to read, and competent. The author explains that he uses the word 'critical' in the title because 'there is no reason why a building, because it is 2,000 years old, should not be criticized as to its architectural treatment as fully as if it were built last year'. It might be suggested that punishment in one case might be remedial while it could not be in the other. The view that we could re-design old buildings as they should have been made was carried to an extreme by Fergusson. We should none of us agree as to desirable improvements, and one prefers the old buildings exactly as they are. Mr. Statham suggests that architecture is 'symbolism controlled by, and expressive of, structure'. However, the word symbolism is given a very extended meaning from a symbolism of despotism in the pyramids to a symbolism of structural systems. It seems that every building must necessarily be a symbol of the facts good and bad which conditioned its being. The modern villa is a perfect symbol of suburbanism. If this is so it is plain that—as usual—'no more can be got out of the definition than is put into it'. It is a pity that some rather sharp remarks on American writers have crept into the work in more than one place. The Americans are doing such fine work both in building and archaeology that our effort should be directed to keeping up with them rather than to emphasizing differences of opinion in which we may be in the wrong. Although Mr. Statham may seem to claim too high a place for English as compared to French Gothic—one of the points of dispute with the Americans—we are sorry to notice that he thinks the Resurrection sculptures at Wells could scarcely 'have been done by any English sculptor of that date; they are more likely to have been the work of some sculptor of the early Italian school, brought over here for the purpose'. This will hardly be assented to by English students of sculpture. W. R. L.

The studies in constitutional history and politics which Professor A. C. McLaughlin has written under the title of *The Court, The Constitution and Parties* (Chicago : University of Chicago Press, 1912) may be noticed in this Review because they lay stress on the historical background of legal and political conclusions. The most important of them, on 'The Power of a Court to declare a Law unconstitutional', is an able argument

to show that the claim of the high court to decide upon the lawfulness of laws is, to a great extent, accounted for by

(1) the fact that the main contention of the Americans (at the time of the Revolution) was that Parliament was not possessed of absolute authority; (2) the belief that there were certain principles of right and justice which all governments must consider, and that the obligation to consider them constituted a legal limitation on governmental authority; (3) the assertion that these fundamentals were embodied in the English Constitution . . . ; (4) the conviction that the courts were under obligations to declare void an Act of Parliament violating the principles of natural justice and reason, a conviction supported by reference to English decisions and opinions of great judges; (5) a declaration, closely connected with the preceding, that there is a fundamental law which the legislature cannot change.

The essay on 'Social Compact and Constitutional Construction' traces historically the effect of the view that society originated in contract on the development of opinion regarding the character of the American constitution. The development of the modern organic philosophy introduced new ideas, and the consequent inability to agree on fundamental conceptions caused confusion, so that a new doctrine of state sovereignty emerged, which would have been unintelligible to the framers of the constitution. In 'A written Constitution in some of its Historical Aspects' Mr. McLaughlin further emphasizes the influence of the idea of the social compact and natural rights in the creation of the American state constitutions, and points out the consequences resulting from the stress laid on the necessity of their unalterability and fixity. The essays on 'The Significance of Political Parties' and on 'Political Parties and Popular Government' are less closely concerned with history; but it is interesting to find John Adams using the word 'caucus'; and to know that 'the father of the American Revolution', Samuel Adams, was also 'the leader of the machine'.

H. E. E.

In a concise but very suggestive pamphlet of 107 pages, entitled *Der Begriff des Volksgeistes bei Hegel* (Leipzig: Voigtländer, 1909), Herr Friedrich Dittmann seeks to expound the fundamental ideas of Hegel's philosophy of history. He declares that these ideas are regaining much of their early vogue; and this will doubtless become more and more true as the human mind tires in the unending search after minutiae. Hegel sought to vitalize that search by explaining the meaning of the great movements of history. To him the actual and the reasonable must ever be identical; the groundwork of the world is reason; and world-history is nothing more than the development and complication (*Verwicklung*) of the world-spirit. The inmost impulse of the world-spirit is freedom, which has hitherto been most fully manifested in the Germanic peoples. Excluding from his survey peoples that cannot form states, he proceeds to consider the manifestations of the *Volksgeist* and *Weltgeist* in peoples and times which incarnate them. To these and other questions Herr Dittmann's monograph furnishes a helpful introduction. Nowhere is he critical, even when he describes Hegel's futile effort to characterize the 'Indian genius', as if it were one.

L.

Herr Karl Fritzsche undertakes in *Die Darstellung des Individuums in den 'Origines de la France contemporaine' von Taine* (Leipzig: Voigtländer, 1910) a brief but searching criticism of Taine's method of historical presentation. While admitting his powers of portraiture, he questions the fairness of his method and the life-likeness of the result. He dwells on the multiplication of minute details, the lack of chronological order in his treatment, above all, the *élan* and want of moderation of his reasoning and judgements. Herr Fritzsche has no difficulty in proving his case. He shows that Taine, despite his claim to serene impartiality, was in general influenced by preconceptions as to the characters of individuals and the causation of events. Is it not also true that Taine's narrative and his judgements on individuals were moulded very largely by his mania for classification?

M.

The *New History, Essays illustrating the Modern Historical Outlook*, by Professor J. H. Robinson of Columbia University (New York: Macmillan, 1912), is not always so novel in its point of view as the title would seem to suggest, and, though readable and interesting, suffers, like many printed collections of occasional writings, from some lack of unity and coherence in treatment and attitude. Let us admit that the future will be less and less with the political historian, and that his task is comparatively an easy one. Yet his work has certainly not been completed for English history, and will not be until every period of our political history is set forth with the same science and detail as S. R. Gardiner devoted to that of the earlier half of the seventeenth century. It is, however, a little perplexing that Professor Robinson's prophetic vision of the future is followed by an elaboration of the 'fall of Rome', which exposes what has been sufficiently set forth a good generation ago. There is the same touch of the obvious in the bright paper on the 'Principles of 1789', though we are glad that he refuses to recognize the 'point of view' of the school of Aulard as that of the historical science of the future. Anyhow, we have outgrown the scale which served for Archbishop Usher so far that it was hardly necessary to hold up twice to ridicule within the covers of one book the doctrine that the date of the creation was 'Friday October 28th 4004 B.C.' Yet though the scholar may occasionally cavil, and perhaps now and then skip a few pages, there is a public which will find interest and stimulus from these essays.

T. F. T.

This second volume of the *Navy Miscellany* (Navy Records Society, 1912), printed under the general editorship of Sir John Laughton, contains many pieces widely differing in length and importance, though so far alike that no one of them can be regarded as superfluous. English piracy in the sixteenth century is illustrated by the depositions taken concerning a voyage to Brazil in 1540, with a view to the prosecution of the survivors under the new statute providing that piracy should be tried under the common law. The editor, Mr. R. G. Marsden, has written a useful introduction. A lively scene which presents a galliass putting out to sea and preparing for battle is taken from the *Complaynt of Scotland*, first printed in 1549; the extract is here edited afresh from a manuscript in the British Museum,

with a large number of valuable footnotes. The hauling chanty, 'perhaps the earliest known,' is a specially interesting record. Mr. Kingsford contributes a narrative of the capture of the great Portuguese carrack, the *Madre de Dios*, in 1592, written by a gentleman of the earl of Cumberland's squadron, which supplements in some noteworthy particulars the accounts of Hakluyt and Purchas, and while magnifying the share taken in the fighting by the writer's company, makes light of their share in the pillage. The introduction to the narrative is an admirable piece of work. Passing on to later times we have a translation of the journal of M. de Lage, second captain of the *Real Felipe* during the campaign of 1744, giving some details of the battle of Toulon from the Spanish side, and written in an extraordinarily boastful strain. The editor contends with much force that Admiral Mathews was cashiered chiefly because he left the crippled *Marlborough* in the lurch and abandoned our only prize to the enemy when he might have continued the fight, though the disorderly way in which he attacked, running out of his line while the signal for the line was flying, formed 'a very principal article of the charges against him'. The journal has been printed before, having been published in French in 1746. Of this pamphlet only one example, so far as the present editor knows, is now in existence, and is in the Bibliothèque Nationale. The translation given here has been made from a manuscript now at Boston (Massachusetts), itself either a transcription of the printed pamphlet, or a copy of one. If a rule of the society rendered a translation necessary, it should, surely, have been made from the printed text rather than from a manuscript copy of uncertain date and provenance, which presents many minor inaccuracies, and the two texts might have been collated, with the result that fewer difficulties would have been left to editorial conjecture. Among the shorter pieces printed here are some letters of Lord St. Vincent, which, though lacking 'pedigree', seem to be undoubtedly genuine. Two of them speak in severe terms of Nelson's conduct when, after his return to England with the *Hamiltons* in 1800, he was under St. Vincent at Torbay; he is described as 'devoured with vanity, weakness and folly', and his ship as 'always in the most dreadful disorder'. In after years St. Vincent warmly acknowledged Nelson's supreme qualities, and no one who is not blinded by sentiment will see any lack of generosity in this reprobation of his behaviour at this period of his career.

W. H.

The third volume in the eighth series of the Danish *Historisk Tidsskrift* (Copenhagen, 1910-12) is now complete, and contains a number of excellent articles, several of which deal with matters having more than a purely Scandinavian interest. Professor Steenstrup writes on 'Jutland and the Jutes', mainly in reply to certain assertions made by German writers, and opposes Dr. Axel Olrik's views as to the origin of the names of some Danish islands. Professor Finnur Jónsson is also polemical in his articles on 'Where did Olaf Tryggvason fall?' and 'The Jónsvikings', in which he successfully takes the part of the Icelandic saga-writers against the attacks of the Swedish author L. Weibüll. Miss Ellen Jørgensen contributes two very interesting articles on medieval matters. One of these is an account of a twelfth-century psalter, now in Berlin, but of English origin, and made

valuable by containing the obits of a number of Norwegian kings and bishops; from these it is clear that it must have been in Norway in the thirteenth and fourteenth centuries. The other is 'On some medieval authors who are described as natives of Dacia'; among these is Jacobus Nicolai, who lived in the fourteenth century and was patronized by the countess of Pembroke. The second part of his poem *Distinctio metrorum*, finished in 1363, is devoted to the praise of the countess and her long-deceased husband. An article on the 'Condition of Jutland during and after the war of 1657-9', by the late Lieut.-Colonel T. J. Søegaard, is based upon an extensive study of local records, and contains a mass of details which show how severely the country suffered from the depredations and exactions of the Swedish and Polish troops during those years. The eighteenth century is represented by a short account of a Danish official's journey in India in 1735, contributed by Kay Larsen, who is the author of a work on the Danish colonies in the East Indies. The longest article of all is one by Erik Møller on the relations of England to Denmark and Norway in 1807, based upon a new study of both English and Danish sources. The volume also contains the usual short notes, reviews, necrologies, &c., and bibliographies of historical literature relating to Denmark for the years 1909 and 1910. The usefulness of the latter would be greatly increased if they were more alphabetically arranged, or indexed in some way.

W. A. C.

ERRATUM IN THE OCTOBER NUMBER.

Vol. xxvii. 764, l. 9, *for* Al Humaida *read* Al Humaidi.

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THE ENGLISH HISTORICAL REVIEW

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William Cade, a Financier of the Twelfth Century

ANY document dating from the reign of Henry II is sufficiently rare to be interesting, and the printing of the present example (apparently unknown to Madox and other authorities) needs, therefore, no apology.¹ It has, besides, a large number of interesting questions attached to it. The transcript and the compilation of notes from the Pipe Rolls and most of the other sources used are the work of Miss M. T. Stead, upon which I have based the following introduction.

It is a roll of three narrow membranes, fastened together chancery fashion (head to tail), on which are 198 lines of writing with several headings or notes. The endorsement is fragmentary—*Debita Willelmi . . . Cart' et tal'*; but the first entry *recto* makes clear the nature of the roll—*Hic est compotus debitorum Willelmi Cade de quibus ipse habuit cartas debitorum*. This heading applies apparently to the matters mentioned in ll. 1-96. Within this portion we have three distinctions, between the charters *in cophino rubeo* (down to l. 42), *in cophino de virgis* (to l. 84), and *in hanapario rubeo* (to l. 91); the position of those between this and l. 96 is not specified. After l. 96 there is a space followed by the heading, *Debita eiusdem Willelmi Cade inventa in taleis sine cartis*; and this list is followed by the note (l. 191), *Sex talee sunt ibi que sunt abbreviate*.² Only five entries appear after this, followed by a space and a final note of a debt *de attornatione de Lundonia*.

¹ My attention was first called to the document by the Editor of this Review. I am indebted particularly for help in collation to my colleague Mr. C. Johnson.

² Whatever interpretation we put on this rather difficult word makes little difference to the explanation of the roll, and I therefore leave the question open. It might mean 'shortened' (by breakage or deliberately, the latter case possibly covering the previous payment of an instalment); or, conceivably, 'having a writ attached.'

The form of entries, with additions and small variations, is the same throughout—the name of the debtor followed by the amount. After the amount many add details of the security—*super terras suas de . . .* or *per plegium* (of A.B.) or *per fidem suam et fidem filii sui* (l. 21); or there is a combination of the pledge and the land security (as in l. 8); in one case (l. 69) the land is pledged for ten years; or again we have the addition of *per taliam* or *in duabus taleis* (l. 98). Variants are *A.B. debet de debito Regis* (l. 75); or *A.B. pro X.Y.*; or *A.B.*, who has occurred already, *per aliam cartam* (l. 33); or *A.B. debent . . . quas receperunt de lana sua*, where the wool is apparently the pledge; or *A.B. debet solvere apud Lundoniam* (l. 40). After the sum come very frequently the words *et per taliam*, and practically always the name of a district or place, from which notes it appears that one entry relates to Scotland, thirteen entries to Flanders, five to Pont Audemer, two to Rouen, one entry to Normandy, and one to Ponthieu; the remaining references being to English counties or places. The *et per taliam* does not occur after the part (ll. 1–96) devoted to debts of which Cade had charters, to which charters the tallies are evidently supplementary. Both the *et per taliam* (in many cases) and the place-entries (in all) are undoubtedly additions,³ and they are accordingly printed in italics here, though they are in a hand similar to that of the main part of the roll. Both writings may, without any attempt at exact dating, be referred with some confidence to the early part of the reign of Henry II. Certain indications, such as the trick of a capital *R* in *-sciR'*, suggest a clerk who had some connexion with the exchequer; while the unusual Latinization of a French form seen in *Nicolscira* (l. 28), combined with such forms as *Pontiu* (l. 154) and *Burquinum* (l. 193), looks like the work of one of foreign origin.

This, then, is the roll of debts which had been or still were owing to one William Cade: so much is plain from the heading. Moreover, Cade is apparently dead or no longer to be reckoned with; although it is said of one that *debet solvere* (l. 40) and we have *carte sunt in cophino*, yet we have also (l. 193) *A.B. debuit . . .* and, in the heading, *de quibus . . . habuit . . .* It is clear also that this roll has been probably compiled, certainly gone through, by some other than Cade: *et x. marce sunt abrase in cartis* (l. 7) is not the remark of a man dealing with his own business; nor are the words *debita inventa* (l. 97), nor the *et eius carta dicit quod . . . est plegius* (l. 73), nor the *sicut dicunt* (l. 158). Further, the person or persons who used the roll thus did so, it appears, in an exchequer interest: the fact that the document

³ This may be deduced not only from the writing but from cases where (as, e.g., in ll. 33, 42) the second writer has had to squeeze his words into inadequate space.

came first to light in the remains of the Ancient Miscellanea of the king's remembrancer's department of the exchequer combines with the writing to suggest this theory, which is made almost a certainty by the added notes on ll. 125, 134, and 154, *ostendatur Regi* and (l. 35) *summonendus plegius*.⁴ Finally, we come to the amount involved. There are some slight difficulties here, due to an indication of the employment (not unexpected at the date to which we have assigned the roll) of more than one standard—we have the phrases *ad parvum* and *ad magnum pensum* or *pondus*⁵—and to occasional entries of payments due, or made, in kind. Making, however, a rough calculation we find that William Cade had, according to this roll alone, dealings which amounted to something like the enormous sum of £5,000; and this in a total of less than two hundred separate sums.

Before touching the questions who and of what position was the man whose business was of such magnitude, we may perhaps consider carefully the only other question remaining upon the surface of the roll—the identity of his debtors. These form a highly interesting collection, and make a very important addition to the information given in Delisle's alphabetical list of worthies of the reign of Henry II; the proper working out of this involves, however, the desirable but very lengthy tracing out of all the prominent characters of the reign in the Pipe Rolls, a matter upon which the French scholar has only touched: all Pipe Roll references to persons occurring in our document have been examined for the purposes of the present article, but it would take far too much space to set out the results in detail.

Analysing, then, these names, without going deeply into their historical interest, we find first among the sureties the king himself (ll. 12, 13). Further, the names include, occasionally as sureties but generally as debtors, a number of royal officials. We have (l. 42) the treasurer, Richard, son of Niel, the author of the *Dialogus de Scaccario*, and his uncle the bishop of Ely (l. 81), a justiciar and former treasurer; the two chamberlains William Mauduit (l. 172) and Henry fitz Gerald (ll. 13, 47); and the steward Manasser Biset (l. 165): all these are, of course, well-known witnesses of Henry's charters. We have also three justices, Walter fitz Robert (ll. 27, 38), Guy Rufus, dean of Waltham (l. 130), and Richard of Ilchester, archdeacon of Poitiers (l. 98); and the constable of Lincoln Castle, Richard de

⁴ A further indication, the *de debito Regis* of ll. 65, 75, is dealt with below, p. 220. It should be noted that the exchequer tricks of writing occur in this second hand.

⁵ In one case we have a note that the debt incurred on the small was to be paid on the large scale (l. 86). And there is a very important suggestion of a possible scale of values in l. 128, where an amount is given as £20 or 40 marks *ad parvum pondus*. At this rate Cade's interest on the debt of l. 86 works out at 33½ per cent.

la Haye (l. 35). Then there are ten men who were at one time or another sheriffs, including Gervase of Cornhill ⁶ (l. 198). Several ecclesiastics have been already mentioned, but we may add Gilbert Foliot (ll. 76 and probably 163), and there is mention of two other bishops (ll. 51, 73); we have also Geoffrey archdeacon of Canterbury (l. 56), the well-known chronicler Ralph de Diceto,⁷ archdeacon of London (l. 44), the prior and convent of Merton (l. 58), the monks of Louth Park (l. 6), the abbot of St. Augustine's, Canterbury (l. 96), and a number of other names. We have the earls of Clare (ll. 29, 142), Gloucester (l. 30), Alba Mara (no less than five times, ll. 37, 43, 52, 53, 123), and Leicester (l. 45); Earl Geoffrey [de Mandeville] (ll. 59, 95), and the count of Eu (ll. 41, 61). Among other names well known from charter and other sources are, to quote only a few, those of Robert, advocate of Bétun (l. 12), Pharamus [of Boulogne] (l. 23), Walter de Wahell (l. 39), one of the holders of the Odell barony, Ernald de Bosco (l. 45), Seher de Quenci (l. 100), Richard de Canvilla (l. 156), and Bernard of St. Valéry (ll. 22, 183). We may add here that bishops and earls are mentioned as a rule by their title and not their name; the name of Geoffrey de Mandeville, however ('Comes Gaufridus . . . in Essex', ll. 59, 95), may be taken as an indication that this roll was compiled not later than 1166,⁸ and, on the other hand, Alexander was not sheriff of Stafford till 7 Henry II; and other indications give us a probable date of 1165-6.

With regard to the persons assigned to places without the realm we need say little except that the single Scottish entry, with its unique addition of *nichil*, may be compared with two entries on the Pipe Roll of 11 Henry II—*Ricardus Monetarius debet decem libras sed aufugit in Scotiam* (Norfolk) and a similar entry concerning *Willelmus Monetarius* (Bedford and Buckingham); these, combined with the arrangement not to harbour each other's criminals made by treaty between Henry II and the king of Scotland, indicate that the latter country had proved a convenient refuge. We may mention in conjunction with this the fact that the places here noted are in one or two cases ⁹ not those in which the persons concerned are known to have held lands: also the fact that where land surety is mentioned in so many words the county given does as a rule tally; in one case where the sureties mentioned are in two counties (l. 14) both these are added. Similarly, the places assigned to abbots and convents

⁶ See below, p. 214.

⁷ The spelling of his name in the present case, *Dici*, may possibly throw some light on the vexed question of the locality from which he came.

⁸ See Delisle, *Recueil des Actes de Henri II*, introduction, p. 373.

⁹ For instance, that of Bernard of St. Valéry (ll. 22, 183).

are always correct ; while men like Robert and William of Rouen and the *Homines de Bolonia*, who are labelled *London*, may be supposed to be foreign merchants resident there. On the other hand, the earl of Alba Mara, who occurs in more than one entry, is referred to more than one county. Probably these county references are not intended to be more than a general indication where the debtors might possibly be found.¹⁰

Of the remaining creditors, some appear merely as Christian names ; some (to take only one instance, de Bailol in l. 166) are familiar, but not of immediate importance ; some are quite obscure : of these last Walter *Villanus* (l. 70) and *Carpentarius* (l. 182) seem to suggest by the magnitude of their liabilities that surnames, even at this early date, are not to be taken too literally.

The succession of lands at this period, except under special circumstances (as, e.g., where serjeanties occur), is not always easy to trace. But in at least one instance the land here mentioned as pledged was not forfeited : the successors of Pharamus (l. 23) continued to enjoy Martock and Wendover for some time after this date ;¹¹ on the other hand, the possibility of forfeiture was taken into account if we may trust the addition *et valet vadium* in l. 2.

We are now in a position to attack our two most important points—Who was William Cade ? and what is the nature of the financial affairs which gave him business on so considerable a scale with people in such varied stations ? As for the first question, Delisle tells us only that Cade occurs in the Pipe Rolls of the first few years of Henry II : the learned French scholar does not mention any occurrence of his name among the witnesses of Henry's charters nor the notice of him by Eyton, who says,¹² on the authority of a record on the Pipe Roll¹³ of money paid by Cade's hand to Eleanor, wife of Henry II, that Cade was of the queen's household. This is only an assumption ; but Eyton also quotes¹⁴ a grant by the king to Eustace, son of William Cade, and a charter, printed in the *Monasticon*,¹⁵ and witnessed by G. de Magnavilla, Richard de Luci, Reginald de Sancto Walerico, Jocelyn de Balliol, and William Cade, which he assigns to the end of the year 1164. This second charter has no appearance of forgery, but is not found in the place to which the *Monasticon* assigns it, nor apparently elsewhere. Madox

¹⁰ The Flanders items are dealt with below, pp. 214, 217 f.

¹¹ Collinson, *History of Somerset*, iii. 5.

¹² *Op. cit.* p. 69.

¹⁴ *Op. cit.* p. 66. The document is in the Public Record Office (Duchy of Lancaster, Royal Charters).

¹³ 10 Henry II, Devon.

¹⁵ vi. 653 (ed. 1817).

has only a few quotations from the Pipe Rolls (all dealt with below) to offer, together with a suggestion that Cade 'seems to belong to the Treasury'. I have not been able to find charters witnessed by Cade in any other place than those mentioned, with one important exception. Mr. Round has described in the *Calendar of Documents, France*,¹⁶ a grant, which he dates 1150-3, by Hugh de Chileham, son of Foubert of Dover, to the abbey of St. Bertin: Cade witnesses this charter with, amongst others, the abbot of St. Augustine's. Again,¹⁷ Mr. Round gives a private deed, being a notification by Richard de Luci that Gervase of Cornhill has quitclaimed property in Lewisham and Greenwich to the abbey of St. Peter's, Ghent. This deed, which the editor dates 1161-8, is witnessed by Cade along with the count of Guisnes, Henry fitz Gerald and others; and it is followed by another of the same purport and date, which is witnessed also by Cade's brother Baldwin. These deeds add something to other indications which we have of Flemish connexions for Cade—indications which might be supported by a Flemish sound in one or two of the names on our roll (e.g. Staas, l. 64) which are not definitely assigned to Flanders; they attach him a little to the county of Kent; and they show him as, in some sort, a companion of men of importance whom we know elsewhere. They may also suggest that, though English archives fail to produce much evidence of Cade as a witness, foreign ones might conceivably add more to our knowledge on this point.

William Cade, then, was a person who during the reign of Henry II had financial and other dealings with people of all classes in the realm, from the king downwards, and with certain foreigners, notably Flemings; and whose affairs, when he died, involving debts, paid or unpaid, up to a very large amount, in some way interested the exchequer: who nevertheless hardly ever appears as a witness in royal charters and had, in fact, only so much traceable connexion with the court as prevents us from saying that he had none; and whose affairs were being settled, presumably on his death, about the year 1166.

We turn to the only remaining sources of information—the Pipe Rolls, the Red Book, and the Black Book: and first we may dispose of a small group of entries which give direct and clear information upon our question. First there is a William *Cabus* in the Pipe Roll of 31 Henry I¹⁸ whom it is tempting to identify with our Cade, if only because of the coincidence that he there appears in company with two out of four of his co-signatories in the charter cited above. This, however, is merely a conjecture, involving, besides, the supposition of an

¹⁶ p. 483.

¹⁷ pp. 504 ff.

¹⁸ Middlesex, ed. J. Hunter, 1833, p. 152.

error by the scribe of the roll, and in any case adds little to our knowledge. From the Pipe Rolls of Henry II we have to add to the quotation of Eyton already cited first that Cade appears very frequently on the Rolls from the second to the eleventh year of Henry II, and secondly that in the eleventh he was probably dead or had departed from the realm; since we find in this year a reference to the expense of carting wine *de filiis Willelmi Cade* (who have not previously appeared), and since in another entry the earl of Arundel accounts for twenty shillings *de debito Willelmi Cade*. This date coincides with that already deduced from our roll and does not conflict with Mr. Round's. Then there is the fact that in 8 Henry II Cade received¹⁹ the sum of £38 6s. 0d. *pro auro ad coronam filii Regis et regalia paranda*. In 9 Henry II²⁰ we find him receiving £100 *ad adducendos servientes de Flandria*: here we have again an isolated and casual connexion with the court and again a suggestion of Flemish connexions. Finally, from the third to the seventh year Cade accounted for the farm of Dover, for which the sheriff of Kent had previously been responsible:²¹ in 10 Henry II the sheriff again appears here, accounting for three years. With this Kentish connexion we may couple the statement in the Red Book²² that Cade had land in Hoi (presumably Hoo) in Kent.

All this adds little to the sum of our knowledge derived from Eyton, Delisle, and our own roll. But when we come to consider other Pipe Roll references we are astonished to find Cade, over the period already indicated, continually receiving, without any reason assigned, large sums by the king's order. Practically always the form of these entries is the same: a sheriff in accounting for his farm is allowed a considerable sum *in solutis Willelmo Cade per breve Regis*. Occasional payments of this kind are not uncommon on the Pipe Roll, but they frequently include some statement of the expenditure for which they are destined, and it has generally been presumed that they always represented disbursements by a royal accountant in the discharge of his business. Cade received in this way in ten years about £5,600,²³ payments being made him in every county except Westmorland, Durham, and Northumberland.

We are thus faced now with two questions—the meaning of our roll and the meaning of the Pipe Roll entries. In connexion with the first of these we have to consider the phrases *per talem* and *in taleis* in the hand of the original scribe, and *et per talem*

¹⁹ Pipe Roll, Berkshire.

²⁰ Pipe Roll, London and Middlesex.

²¹ It appears from the Red Book (p. 648) that Cade had also accounted in the first year of Henry II.

²² p. 649. The Red Book also (p. 17) attributes to Cade the possession of knights' fees in Buckinghamshire; no further trace of this has been found.

²³ More exact amounts are mentioned below.

in that of the commentator. In strict exchequer practice the tally is purely a receipt, in duplicate, for money paid; but in later times (from about 25 Edward I, or earlier, till the nineteenth century²⁴) the tally is frequently used as a cheque, being made out before any payment by the exchequer's debtor took place and given over to a creditor of the exchequer to cash. It is impossible to say how early this practice may have been in use in connexion either with exchequer or with private tallies; and the question is exactly how Cade had used those mentioned here. On the whole it may be inferred that *et per taleam*, attached to debts of which we are told that he had evidence in the shape of charters, taken with the statement that there were some debts of which he had tallies but no charters, must mean that the debts were owing and that both the tallies and charters were evidence of that fact; *unless* the debts were not his own, but moneys to be collected by him on behalf of the exchequer, in which case the tallies would represent receipts, ready made out, for him to give (or which he had given) to those who paid: it must be remembered in this connexion, that in the case of the private use of tallies they would be employed in the first step of the transaction, the incurring of the debt, whereas a debt owing to the exchequer is generally either undisputed or evidenced in some other way, and the tally comes in when it is liquidated. On the other hand, the statement that A.B. owes so much *in duabus taleis*, or *per taleam*, might be taken to mean either that this is a roll of exchequer debtors entrusted to Cade, a collector of such debts, and that one of these debtors when he came to his account would produce not cash but a tally, indicating that in his case Cade had collected; or else that the original scribe (as distinguished from the commentator who added what we have italicized in our text) was indicating the existence of a tally as well as a charter.

The question, therefore, what is the meaning of these two groups of tally references and were they private or exchequer ones, resolves itself into the question whether we can find in the Pipe Rolls evidence of Cade collecting these debts; whether, in fact, they can be identified with the sums we have found him receiving in those records. We can answer this very briefly in the negative. Out of all the entries in this roll only in two cases²⁵ do we find a royal debtor paying to Cade the exact sum attached to his name in our roll. Nor, on the other hand, can we say that this is a roll of debts still owing, or still owing with a few exceptions: for first, the persons in our document who have the special tally references (those which have been suggested as

²⁴ See below, p. 218.

²⁵ Philip de Kima (l. 89), for whom see Pipe Roll 10 Henry II, Yorkshire; and Alexander (l. 169), whose payment is under Staffordshire in the same roll.

meaning possibly a future appearance of the accountant at the exchequer with a tally in place of cash)—these persons never do appear with such a tally; secondly, we cannot, alternatively, make the difference between what people paid to Cade and what they owed the exchequer agree with the amounts on our roll; and thirdly, search in the Pipe Rolls down to a late date not only fails to show any of the names from our roll appearing with the same amount of debt attached to them as is here given, but in a large number of cases fails to produce their names in the royal records in any form.

The conclusion cannot be avoided: we have here the roll of debts of a Christian usurer, the first one known to us who worked on a large scale; we might almost call him the first English financier of whom record has been found. In this position Cade is an interesting figure; for the Jews, when Henry came to the throne, were only beginning to emerge, and in any case no record of their transactions so early as this remains to us; and though Madox²⁶ has collected a few instances of Christian usurers they involve only very small amounts, while there is no evidence, except the sneer of Becket's biographer,²⁷ that Gervase of Cornhill (a friend of Cade, as we have seen) was anything more than a mortgagee who foreclosed. The debts were probably still owing to Cade at his death, at which time, we may suggest,²⁸ they would naturally escheat to the Crown. The collection of them for the king's benefit would not necessarily (or probably) figure upon subsequent Pipe Rolls.

We turn to the question where Cade came from. His name, which is written *Cade* in the manuscript without any sign of abbreviation, is a very curious one for the date: presumably it was pronounced as a disyllable, but that only adds to the difficulty of finding any meaning or derivation for it.²⁹ Turning to the several indications of his Flemish connexions we are on safer ground: they are, I think, sufficient to justify us in suggesting for him some relation to the Flemish 'occupation' of Kent, the only county with which we find him very definitely connected. According to the chronicles³⁰ the accession of Henry was the signal for the disappearance of the lawless Flemings;

²⁶ *History of the Exchequer*, ch. x, § viii.

²⁷ See William of Canterbury, *Vita S. Thomae*, in J. C. Robertson's *Materials for the History of Thomas Becket*, i. 100.

²⁸ Cf. *Dialogus* (Oxford edition), p. 136 and notes, and Glanvill, vii. 16, §§ 2-4.

²⁹ I am indebted to the Editor for the suggestion that the absence of a preposition or the article may perhaps exclude words indicative of trade or location, and that it might be a nickname. Another suggestion (made to me by Mr. G. J. Turner) would connect it with the name *Chad*. The Red Book gives a spelling *Kade* and a genitive *Cadae*.

³⁰ William FitzStephen, *Vita S. Thomae*, in Robertson's *Materials*, iii. 19; and William of Newburgh, bk. ii, ch. i.

but Flemish immigration has always played an important part in English economic life, and we know that others of a more peaceful description continued to reside and to trade in England. In dismissing the more private side of Cade's life we may perhaps conjecture that he was a Fleming of the 'peaceful' kind, but at the same time not unconnected with the Kentish colony of Stephen's time.

There remains one other matter—an important one. We have obviously in this roll of Cade's debts a very interesting comment on every department of the finance of the time. It is to be remembered that the period to which we have assigned it is that immediately preceding the beginning of the Jews' chief activities in England. A few years after this Jewish wealth had become the bank, the capital, into which king and nobles alike dipped whenever they needed cash: out of the Jews' money stone castles were built, and abbeys; they financed Strongbow's expedition to Ireland; and a little later it was upon their funds (duly safeguarded for the purpose) that the kings Richard, John (particularly), Henry III, and, until they were utterly depleted, Edward I, drew freely, whenever they were in need of cash, by means of extortionate talliages. But during the first few years of the reign of Henry II they were, we may again conjecture, merely 'emerging' *ad creditores repetendos*; ³¹ and it is in comparison with those of the Jews, whom he apparently anticipated, that Cade's dealings show in the most interesting light. And there is another point: Edward I, as we have already noted, was in the habit of anticipating the payment of his income by the use of tallies as cheques, ³² by a system, in short, very like that of the later exchequer bills. This practice points only to one thing—the breakdown of the exchequer system of annual or half-annual payments. Is it possible that our present investigation shows this breakdown occurring much earlier than had previously been suspected? that the king used Jewish financiers before talliages of the Jews were invented? and that in this matter again Cade anticipated the Jews?

The point is this. In every characteristic the Pipe Roll payments to the usurer Cade are exactly paralleled by those which have been noticed as being made to the Jews in the early part of Henry II's reign. Mr. Jacobs, finding these large sums paid over to them *per breve Regis*, concludes that the king had begun to employ them to travel over the kingdom collecting the moneys which his officers would otherwise bring in to the exchequer. The suggestion is difficult for various

³¹ W. FitzStephen, in Robertson, *loc. cit.*

³² This matter has been worked out in an article in *Archaeologia*, vol. lxii.

reasons—such as the fact that they were very seldom paid the whole of the amount owing. But apart from these, it was almost inevitable that the king, finding ready at hand a usurer, Jew or Christian, with cash in his possession, should borrow from him as much as possible and then allow him (this being an age of finance, not yet of extortion) to recoup himself by application to certain of the king's subjects with the king's authority. Is it not incredible that the king should resist the temptation³³ to which his most important subjects yielded, especially when he considered how speedily he could repay, and when, according to Mr. Jacobs, he was already employing the lender in the one position, that of 'collector', necessary to make the arrangement an obvious and easy one?³⁴ It seems clear that if the Jews, or Cade before them, 'collected' for the king, this was only the completion of a transaction which had begun by their advancing the money.

We may close this paper, then, with a short detailed statement of the financing (as we have interpreted it) of Henry II in the early part of his reign, as a small contribution towards that complete account of royal receipts and expenditures in the twelfth and thirteenth centuries which is so much needed. In the second year of the reign (there is no Pipe Roll for the first) Cade received in the manner we have described £333 odd; in the next year about £257; in the fourth year £741; in the fifth £483; in the sixth £681; in the seventh £882; in the eighth £609. The sums that make up these totals seldom fall below £10, or even as low. In this eighth year occurs the first mention on the Pipe Roll of a Jew being paid money—previous Jewish entries have only been occasional payments *in*: in this year there are four payments to Jews amounting to £130. In the following two years only two such payments are recorded, Cade on the other hand receiving £569 and £977 odd. In the next year (the eleventh) only four payments *per breve Regis* are mentioned altogether under the heading *in solutis*, two being to Cade and two to Jews; those to Cade amount only to £81 odd, those to Aaron the Jew and Isaac the Jew (in Lincoln) are of £100 and £316. In the twelfth year we see the last of Cade in a single payment of £35 odd. At the same time the payments to the two Jews mentioned above increase from two to thirty, with totals of £677 for Isaac and £286 for Aaron, the payments occurring in counties all over England. In the following two

³³ In point of fact there actually occurs on the Pipe Roll of 11 Henry II (Lincoln) the following clear indication that he sometimes did not: *In solutis per breve Regis* [the usual phrase for the payments we are discussing] *Aaron iudeo C. libras quas Rex ei debebat.*

³⁴ For a suggestion of further points in proof of this, see p. 220.

years the number of such payments again sinks, though Isaac in the fourteenth year received about £500.

It is possible that occasionally a debtor of the king might secure an acquittance of his obligation by transferring his debt or part of it to the 'collector'; borrowing from Cade the usurer, so to speak, the money to pay Cade the king's assignee. The two cases noted above where the amount on our roll corresponds with an amount paid to Cade on the Pipe Roll might be instances of this, not mere coincidences. The same suggestion might also furnish an explanation of the phrase *de debito Regis* (ll. 65, 75), which ought to mean 'in respect of a debt due to the king': indeed, the phraseology of l. 65 really makes this explanation probable, since there the debtor is paying (or owing) *pro respectu*—for the privilege of deferring payment of the king's debt. It may be that the curious phrase *de attornatione de Lundonia* (l. 197) is yet another instance in point. *Attornatio* may be rendered 'pledging'; elsewhere the word is used of persons being pledged in respect of money which has to be accounted for; and conversely, we have upon the combustion schedule of the Chancellor's Roll for 10 Henry II a note that a large amount of the year's income is, so to speak, in pledge to Cade (another proof, by the way, that Cade lent to the king as well as to his subjects)—*Attornata Willelmo Cade DC et vj librae et viij solidi et ij denarii*. In the present case I suggest that the city of London had found itself in difficulties about one of its *dona* to the king; and that the same occasion happened to be one of the several ones upon which we find, by the Pipe Roll, that Cade was 'collecting' part of this royal due. In such cases the financier would of course secure a double commission for a single loan.

HILARY JENKINSON.

Public Record Office; Exchequer, King's Remembrancer, Miscellanea 1/1 b.

[endorsed] Debita Willelmi . . . Cart' et tal'

[lines]

1. Hic est compotus debitorum Willelmi Cade de quibus ipse habuit cartas debitorum.
2. . . . filius Gaufridi super manerium suum de Wdeham .lx. marcas in *Essexa. et valet vadium.*
3. . . . wardus filius Radulphi .xx. marcas per plegium Reginaldi de Warennā in *norfolcia.*
4. Robertus filius Hugonis quater .xx^{ti}. et .xv. libras super .xxv. libratas terre sue in brantun' et bugedun' et erningwrd' in *norhantscira.*
5. Herveus de muntmorenci .xl. libras super sunedun' et perendun' in *Bukinchamscira.*

[lines]

6. Monaci de parco de Luda debent .lxx. marcas quas receperunt de lana sua quam Willelmus debuit habere .vj. solidos
7. . . . is post mortem Teobaldi Archiepiscopi Cantuariensis in [] *Et .x. marce sunt abrase in cartis.*
8. Robertus de Gant .vi^{es}. xx^{ti}. marcas super Hirleham et per plegium. Roberti filii Hugonis de .xx. marcis. Willelmi filii
9. Walteri de .xx. marcis. Walteri de scoteni de .xx. marcis. Rogeri filii Fulconis de .x. marcis. et valet . . . manerium et
10. super instauratione et ita debet reddere per duas talias in *lincolscira.*
11. Magister Bartholomeus de tilleberia .xl. marcas et idem per aliam cartam .xxxvi. marcas et dimidiam *et per taliam in chent.*
12. Robertus advocatus de Betun' .c. marcas ad magnum pensum per plegium domini Regis super terram suam [boebi³⁵] in Anglia in *lincolscira.*
13. Henricus filius Geroldi .cc. et .xl. libras per plegium domini Regis. *per taliam in essex.*
14. Henricus de Campania .xxxviii. marcas et dimidiam super Westerham et Fobbing'. *in essex et chent.*
15. Nicolaus de tresgoc .xii. marcas per plegium Gaufridi de tresgoc. *in essex.*
16. Bertrannus de Bulemer .xxx. libras. per taliam. *in Everwicscira.*
17. Abbas et monachi de Rocha .xxii. pensa lane cum saccis. et Idem .mm. et .cc. vellera cum saccis *in Everwicscira.*
18. Rannulfus de Belmez .xxxv. marcas *et per taliam. in Salopes-scira.*
19. Odinellus de umframvilla .lx. libras *et per taliam. in Norhumber-land.*
20. Robertus filius umfridi .xxx. libras per plegium Comitum de clara *et per taliam. in Essex.*
21. Rogerus de munbrai [quater .xx^{ti}.³⁶] .xl. libras per fidem suam et fidem filii sui *in Everwicscira,*
22. Bernardus de sancto Walerico .xxxviii. marcas et dimidiam. *et per taliam. in middelsexa.*
23. Pharamus redditum de mardoc et de Wendoura de termino pasce. *in sumerseta.*
24. Tomas de lundonia .x. marcas ad magnum pensum *in Norhumber-land.*
25. Marsilius monachus de sancto Bertino .c. summas frumenti et .c. summas ordeï et .lx. summas avene et .xxx. summas pisarum
26. de trallea *et per taliam de .xv. marcis. in chent.*
27. Walterus filius Roberti .vi^{es}. xx^{ti}. libras per fidem suam et plegium hominum suorum. *in essex.*
28. Simo filius Simonis .xx. libras per plegium Philippi fratris sui *et per taliam. in Nicolscira.*
29. Comes de clara .ccc. et [erasure] .x. marcas per plegium hominum suorum *et per taliam in Essex.*

³⁵ Written above the line.³⁶ quater .xx^{ti}. struck through.

[lines]

30. Comes de Gloecestria .xl. marcas pro Comitissa Haewisa *in essexa*.³⁷
 31. Ricardus vicecomes hantescire .lxi. libras et .xii. solidos et .[v]iii.³⁸ denarios *et per taliam in hantescira*.
 32. Willelmus de Ros .iiij. libras *et per taliam in chent*.
 33. Robertus filius Hugonis per aliam cartam .quater xx^{ti} et xv. libras et .iiij. solidos et .ij. denarios super Erlingwrd' et Brantun' et Bagedun' [*in Norhamptonia superius est in eodem debito*].³⁹
 34. Hamo prepositus Cantuarie .xli. marcas [et dimidiam³⁹] super omnia tenementa sua que habet in civitate Cantuarie et extra. *in Cantuaria*.
 35. Ricardus de vernun .x. libras per plegium Ricardi de Haia. *et per taliam in Lincolscira. summonendus plegius*.
 36. Willelmus de vesci .iiii. pensa lane. *in Eboracscira*.
 37. Comes de Alba mara .xvij. libras per taliam. *in Eboracscira*.
 38. Walterus filius Roberti .lv. marcas. *in Essexa*.
 39. Walterus de Wahell' .lx. libras argenti *in Bedefordscira*.
 40. Prior de sancto Ioce debet solvere .x. solidos apud Lundoniam. *et per taliam in []*.
 41. Comes de Augo .lxvi. marcas et per taliam. *in chent*.
 42. Ricardus thesaurarius .x. marcas per taliam. Superiores carte in rubeo cofino sunt *in Cantebrugescira*.⁴⁰
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43. Comes de Alba mara .xxxv. pensa lane *in Eboracscira*.
 44. Radulphus de Dici Archidiaconus lundoniensis .lv. marcas *et per taliam. in lundonia*.
 45. Ernaldus de Bosco .lxv. marcas per plegium Comititis legrecestrescire. *in Legrecestrescira*.
 46. Alanus filius Walteri .vii. libras per plegium Thome de Lundonia. *in scocia. nichil*.
 47. Henricus filius Geroldi .c et lxxii. libras et .vii. solidos et .iiij. denarios. *in Essexa*.
 48. Willelmus de Norwico .c. libras per fidem suam et fidem Rannulfi de Glanvilla *et per taliam .xliij. marcas*.
 49. Alselmus Candaueine .vi^{es}.xx. libras et .vi. libras sterlingorum et .xlv. marcas ad magnum pensum super redditum suum de anglia [*in essexa*].⁴¹
 50. Philippus de Kima .xx. libras *et per taliam. in Lincolscira*.
 51. Benedictus super tamisam .quater xx. marcas super terram suam de lundonia. *et Episcopus de lundonia habet cartam et taleam. in lundonia*.
 52. Comes de Alba mara .c. libras super kilnesam et maneriis que sunt scripta in carta sua et Idem .xx. libras
 53. Idem .vi^{es}.xx. libras. *et per taliam. in Eboracscira*.
 54. Gerardus de Dunam .xiiii. marcas. *in chent*.

³⁷ Before *essexa* a word is struck through.³⁸ The v struck through.⁴⁰ Below this a line is drawn across the roll.³⁹ Written above the line.⁴¹ Written below the line.

[lines]

55. Willelmus de Vesci .vii^{es}.xx^{ti}. libras. *et per taliam. in Eborac-scira.*
56. Gaufridus Cantuariensis Archidiaconus .xl. marcas et per taliam. *in chent.*
57. Anselmus Candauem .vi^{es}.xx. marcas argenti ad magnum pensum *et per taliam. in essexa.*
58. Prior et conventus de meretuna .xl. marcas super vineam de Sudtuna. *in Surrea.*
59. Sewalus de Osevilla .xix. libras per plegium Comitis Gaufridi. *in Berchescira.*
60. Henricus de Kemeseth .xx. marcas ad magnum pensum. *in essexa.*
61. Comes de Augo .quater xx^{ti}. marcas. *in chent.*
62. Willelmus de Novilla .v. marcas *et per taliam. in norforlc.*
63. Ilbertus de carenci .vi^{es}.xx^{ti}. marcas. *in Cantebrugescira.*
64. Adam de staas .xxv. marcas super terram suam de menessa. *in chent.*
65. Mauricius filius Gaufridi .cccc. summas [frumenti⁴²] et .xxx. porcos et .i. curtallum pro respectu de debito Regis. *in essexa.*
66. Rogerus de Glanvilla .xx. libras per plegium Gilberti de muntfichet. *in essexa.*
67. Tomas Basset .xxv. marcas per plegium Henrici filii Geroldi. *in Oxenefordscira.*
68. Thomas de Lundr' .xxx. marcas per taliam. *in Norhumberland.*
69. Balduinus de ermingeham invadiavit ei sopeland ad .x. annos. a die consecrationis Thome Archiepiscopi. [in essexa⁴³]
70. Walterus villanus .xxvi. marcas *in lincolnscira.*
71. Reginaldus de cruce .xl. libras. *in essexa.*
72. Herveus de muntmorenci .quater xxi. marcas. [et .xl. denarios.⁴⁴] per taliam. *in Bedfordscira.*
73. Robertus de Gant c et ix. marcas. *et per taliam et eius carta dicit quod episcopus Lincolniensis est plegius in Oxenefordscira.*
74. Alanus de Bettreden' .x. marcas. *et per taliam. in Norhantescira.*
75. Mauricius filius Gaufridi debet de debito Regis .ccc. et .xxxiii. marcas et dimidiam *in essexa.*
76. Gilbertus Foliot .xvi. marcas per fidem suam. *et per taliam. in Norhantescira.*
77. Adam de Staas .x. marcas. *in chent.*
78. Willelmus de Atrio .xii. libras super terram suam de Bradebernau *in chent.*
79. Hervius de muntmorenci .quater xx^{ti}. marcas super sunedun' et perendun'. *et per taliam. in Bedfordscira.*
80. Henricus de Kemeseth .xx. marcas ad magnum pensum. et .x. marcas ad parvum pensum *in essexa.*

⁴² Written above the line.⁴³ Written below the line.⁴⁴ Written above the line.

[lines]

81. Episcopus Elyensis .xl. libras. *in Cantebrugescira.*
82. Robertus de Gant .xxv. marcas ad magnum pensum per plegium
Walteri de Scotun' et Hugonis Scrop. *in lincolscira.*
83. Gilbertus de muntfichet .lx. libras. *et per taliam in essexa.*
84. . . . turneham .xviii. marcas et dimidiam. *in chent.* Superiores
carte in cophino de virgis.
85. . . . de sancto c. solidos. *in lincolscira.*
86. Ilbertus de carenci .c. marcas ad parvum pensum et facient
magnum pensum. *in Cantebrugescira.*
87. Gaufridus Lascivus et Willelmus de valein' et Rogerus de Glan-
villa .xx. marcas. *in Norforlc.*
88. Tomas ⁴⁵ de Augo .lx. marcas. *in essexa.*
89. Philippus de Kimes .lx. libras. *et per taliam. in lincolscira.*
90. . . . filius Geroldi .xx. marcas. *in essexa.*
91. Robertus de Gant .c. solidos [*in lincolscira* ⁴⁶] Iste sunt in
hanapario Rubeo.
92. Willelmus de lancastria. cc. libras per taliam. *in* [Norhumber-
land. everwicscira ⁴⁷]. *in lonesdal'* per Gaufridum de valoniis.
93. Idem .xxviii. marcas et .x. solidos. *et per taliam.*
94. Simon de crai .vii. libras *et* [*per taliam* ⁴⁸]. *in chent.*
95. Comes Gaufridus .c. libras. *in essexa.*
96. Abbas de sancto Augustino .c. libras. *et per taliam. in chent.*⁴⁹

97. Debita eiusdem Willelmi Cade inventa in taleis sine cartis.
98. Ricardus Pictavensis Archidiaconus .xxx. marcas. *in duabus*
taleis. *in lundonia.*
99. Petrus de Bello Campo .v. marcas. *in Wirecestrescira.*
100. Seherus de quenci .xx. marcas. *in Cantebrugescira.*
101. Walterus de turroc .iiii. marcas. *in essexa.*
102. Anseis [de Havering.⁵⁰] .x. libras. *in essexa.*
103. Robertus de Rothomago .xl. marcas. *in lundonia.*
104. Willelmus coterel .xx. libras *apud sanctum audomarum.*
105. lanbin' et aalardus de oices .viii^{ties}.xx^{ti}. marcas et .vi. marcas
et .v. solidos et .vi. denarios *apud sanctum audomarum.*
106. Philippus et Eggebrandus .c. et .iii. marcas. et dimidiam et .iii.
loc' *in everwic.*
107. Adam de Catmera .xi. libras *in Berckescira.*
108. Simo filius Werri .xxii. marcas ad parvum pensum. *in flandria.*
109. Willelmus filius Richoldi .lxviii. solidos. *in lundonia.*
110. Folbold' monetarius. unam lestam lane et est de Berewic
in lodeneis vel in novo castello super tinam in Norhumber-
land.
111. Ricardus de orbec. xvi. libras et .x. solidos *de Normannia.* x
112. Willelmus coterel .c. marcas. *apud sanctum audomarum.*

⁴⁵ Probably a mistake for *Comes*.⁴⁶ Written above the line.⁴⁷ Struck through.⁴⁸ Erased.⁴⁹ Here is a blank space of about 3 lines on the roll.⁵⁰ Written above the line.

[lines]

[117]

113. Malgerus buc et herveus Farewel .lxix. marcas *apud sanctum audomarum.*
114. Willelmus frater leberci case .xx. marcas ad parvum pondus. *apud sanctum audomarum.*
115. Gaufridus de navenebi .iiii. pensa lane. *in lincolscira.*
116. Hugo Iolmosdi .lx. solidos. *in lundonia.*
117. Herbertus de punteisa .lx. marcas. *in punteia. in lundonia.*
118. Radulphus de novo castello .xxii. marcas per plegium Herberti de punteisa. *apud Rothomagum.*
119. Albericus filius Christiane .xx. marcas. *in lundonia.*
120. Willelmus de Writela .xiii. libras. *in essex.*
121. Rocelin [vin ⁵¹] .xxiii. marcas et dimidiam. *in lundonia.*
122. Marcius de Ipra .xx. marcas a[rgenti ?] *in Flandria.*
123. Comes de alba mara .vij. marcas et .viii. solidos. *in eboracscira.*
124. Ernaldus scutarius .xv. libras. *in lundonia.*
125. Stephanus de Sankevilla .xl. solidos. *Regi ostendatur.*
126. Magister Bartholomeus .viii. libras. *in chent.*
127. Paganus clericus episcopi Elyensis .xl. solidos. *in Cantebrugescira.*
128. Petrus de punteisa .xx. libras. vel .xl. marcas ad parvum pondus. *in lundonia.*
129. folbold' monetarius .xxiii. libras. *in Norhumberland.*
130. Wido rufus .iiii. marcas. *in essex.*
131. Radulphus crudwein .xiii. marcas. *in Lundonia sanctum edmundum.*
132. Sewalus de Osevilla .viii. marcas. *in Berchescira.*
133. Homines de Bolonia .xx. marcas. ad parvum pondus. *in lundonia.*
134. Gaufridus parvus .x. marcas. *in ostendatur Regi.*
135. Walterus de hethfeld .xx. libras. *in essex.*
136. Paganus de fobbing .xiii. libras et .xv. solidos et .x. denarios. *in essex.*
137. Michael de Furnes .x. libras. Gaufridi de valoniis.
138. Comitissa Glocestrie .vi. marcas. *in essex.*
139. Radulphus cheineduit .l. solidos. *in hertfordscira.*
140. Rocelin vinitor .xviii. marcas. *in lundonia.*
141. Petrus presbyter de Wdeham et Willelmus et ainolf .vi. libras. *in essex.*
142. Comes de Clara .xvi. marcas. *in essex.*
143. Comes de Augo .l. libras. *in chent.*
144. fulcardus de Belveic .iiii. libras. *in lundonia.*
145. lanbin' .xl. marcas et dimidiam. *in flandria.*
146. Graalene de tame .vi. libras et .x. solidos *quas diuisit Ergebenodus paste. in essex.*
147. Robertus de Bosevilla .xx. marcas. *in Norfolc.*
148. Gerebodus et Ernalfus socius eius .x. marcas. *in Flandria.*
149. Robertus de spalding .x. marcas. *in Lincolscira.*

⁵¹ Struck through.

[lines]

150. Fromundus .xii. libras. *in lundonia.*
151. Willelmus monachus .xx. libras. *in lundonia.*
152. Paganus de Fobbing .xii. libras. *in essexa.*
153. Walterus de turnai .lxii. libras. *in flandria.*
154. Frater Comitis de pontiu .xl. solidos. *in puntiu. ostendatur Regi.*
155. Willelmus filius martini .xl. solidos. *in hantescira.*
156. Ricardus de canvilla .iii. marcas. *in oxenefordscira.*
157. Weardus de Belvaco et frater eius Petrus. .lx. solidos. *in lundonia.*
158. Lefwinus de ores .xvi. marcas et .x. solidos et .iiii. denarios. et *sicut dicunt hec sunt de firma et de placitis de ores. in chent.*
159. Stephanus Wandélinge .xi. marcas.⁵² *in flandria.*
160. Petrus et Ernulfus .x. marcas⁵² et .x. solidos *in flandria.*
161. Lefwinus de ores .x. marcas. *in chent.*
162. Waardus de Belvaco .lx. solidos. *in lundonia.*
163. Gillebertus episcopus .vi. libras. *in lundonia.*
164. Benedictus de angervilla. dimidiam marcām. *in Wiltescira.*
165. Manaser Biset .x. marcas. *in Wiltescira.*
166. Walterus de Bailol .viii. libras et .i. fertun. *in flandria.*
167. Tomas⁵³ de Augo et Walterus de turroc .xx. libras. *in essexa.*
168. Bertolomeus Bataile .xxiii. libras et .vi. solidos. et .viii. denarios. *apud Rothomagum.*
169. Alexander vicecomes Staffordescire .vi. libras et .xi. solidos et .vi. denarios. *in staffordscira.*
170. Walterus de turroc .iii. marcas. *in essexa.*
171. Tebaldus de staples .xxxvi. marcas. *in flandria.*
172. Willelmus malduit .xii. marcas. *in essexa. x*
173. Gerbodus de scald' .xl. solidos. *in Notinghamscira. per plegium Nicolai de Tresgoc.*
174. Robertus de Rothomago .xviii. marcas. *in lundonia.*
175. Walterus bec .v. marcas et .xii. denarios. *in lincolscira.*
176. Adam de Jernemutha .ii. marcas. *in Norfolc.*
177. Robertus de Bailol et Anseis .c. et .xix. libras et .vi. solidos. *in flandria.*
178. Magister Arnulfus .iiii. marcas cancell[arius ?] Archiepiscopi *in chent.*
179. Walterus de Bernham .xiii. marcas. *in [ess⁵⁴] sudfolc.*
180. Iebertus case .xx. [libras⁵⁴] marcas. *in flandria.*
181. Willelmus corfrein .xxx. libras. *in flandria.*
182. Carpentarius .lxx. solidos. *in flandria.*
183. Bernardus de sancto Walerico .v. marcas. ad parvum pondus. *in Middelsexa.*
184. Robertus de Rothomago .xxx. solidos. *in lundonia.*
185. Seherus monacus .xx. solidos. *in chent.*
186. Anseis .xviii. solidos. *in*
187. Tomas de sancta margareta .i. marcām. *chent.*

⁵² Corrected from 'libras'.⁵³ See above, p. 224, n. 45.⁵⁴ Struck through.

[lines]

188. Willelmus de piron .xl. solidos. *in essex.*
189. Gunora et Radulphus filius eius .ii. marcas et dimidiam. *in essex.*
190. Robertus de Rothomago .v. marcas. *in lundonia.*
191. Sex talee sunt ibi que sunt abbreviate.
192. Willelmus de Rothomago .xx. libras per taleam *in lundonia* ×
193. Iohannes burguinum debuit Willelmo Cade .xx. libras sine
talea *in lundonia* ×.⁵⁵
194. Thomas celarius de Westmonasterio et Willelmus cape .c. libras
in lundonia.
195. Gaufridus de sancto eligio .xliiii. libras. *in lundonia.*
196. Petrus filius Walteri .x. marcas. *in lundonia.*⁵⁶ ×
197. de Atornatione de Lundonia .quater .xx. libras et .xix. libras per
Willelmum filium Isabelle.
198. et Gervasium de Corhilla ×

⁵⁵ This line inserted after first writing.⁵⁶ After this is a space of about 9 lines on the roll.

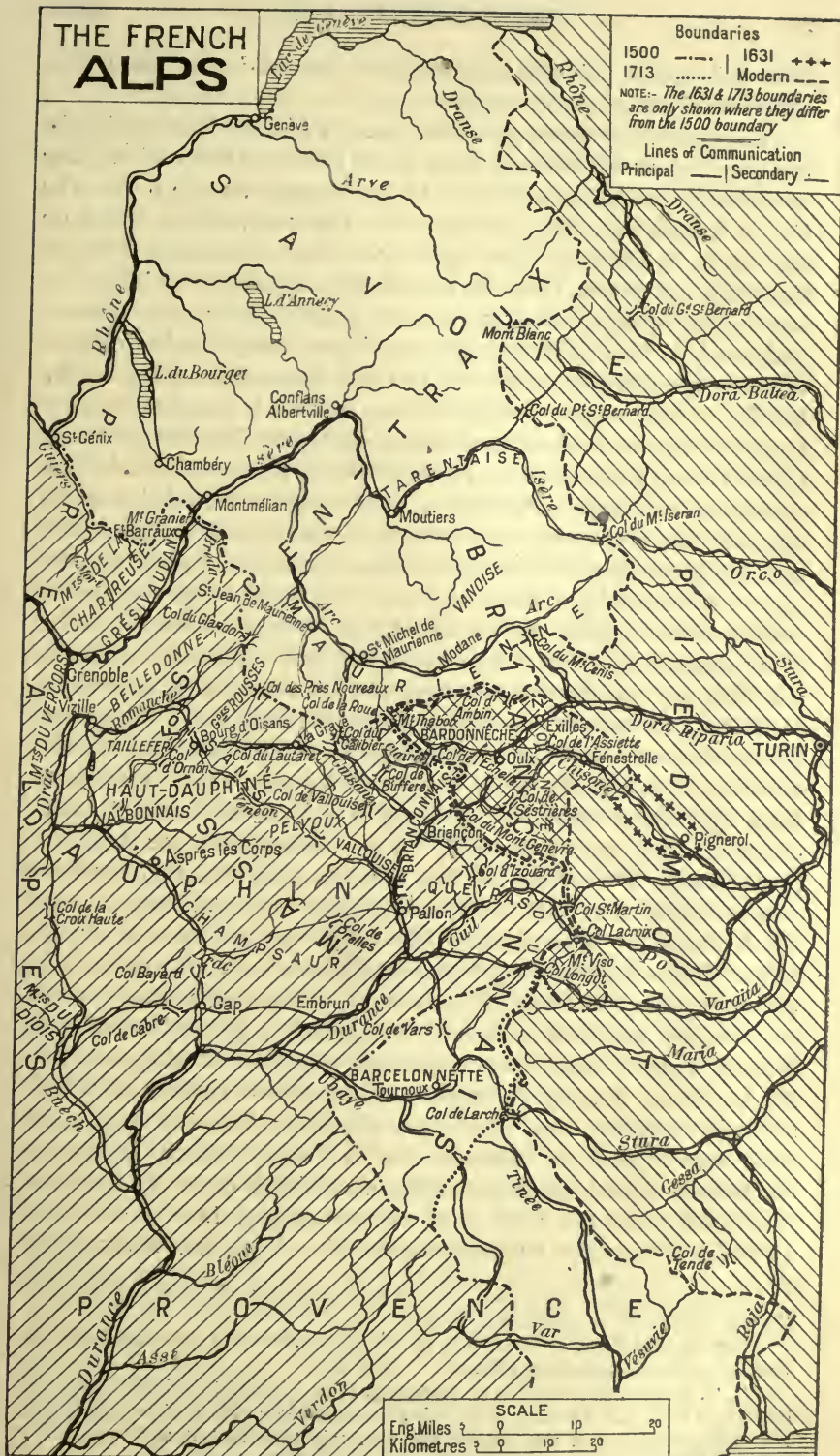
Campaigns in the Dauphiny Alps, 1588-1747

FEW reigning houses have had their policy so clearly mapped out for them by physical environment as was that of the dukes of Savoy, which may be expressed in the paradoxical formula, 'Warfare in France as a means of expansion in Italy.' Two circumstances favoured the dukes in the practice of this principle; the first being their geographical position, the second, less obvious one, the early removal of two possible rivals from the political arena. For the duke of Savoy, in the beginning (that is, during the eleventh and succeeding centuries), was not 'the porter' but only one of the porters of the Alps. He held the Great and Little Saint-Bernard and the Mont Cenis; but the dauphins of Vienne were the masters of the Mont Genève, while the counts of Provence commanded for a time the southern passes. The absorption of the two latter provinces (the Dauphiny in 1349, Provence in 1481) certainly strengthened France against invasion, but as Savoy attacked for attacking's sake—or, in other words, began hostilities in order to be paid for discontinuing them—the prospects of success were almost a matter of indifference; the important fact was that during the great European wars of the seventeenth and eighteenth centuries the one surviving doorkeeper was able to monopolize the profits of his situation. Louis XIV would fain have treated Savoy as his predecessors had treated Provence and the Dauphiny, but it was too late: the princes of Chambéry were already too far on the road that led to Rome. All their interests were with Italy and the Habsburgs who could help them there. Consequently we have, as a pendant to the main warfare in northern and central Europe, those curious Alpine campaigns, whose apparent half-heartedness is due to two causes. In the first place, there is no serious motive behind them. The allies are content if a French army is kept occupied in the Alps, to prevent the concentration of forces at the central point of the struggle, and the duke of Savoy, having no real interest in the war, expends no unnecessary effort upon it. In the second place, the nature of the ground forbids anything but a war of manœuvres. *Locis superioribus occupatis* is the key-note of all Alpine warfare. Beside Blenheim and Ramillies the operations on the south-eastern frontier of France appear tame and meaningless.

THE FRENCH ALPS

Boundaries
 1500 | 1631 +++
 1713 Modern ---
 NOTE: - The 1631 & 1713 boundaries are only shown where they differ from the 1500 boundary

Lines of Communication
 Principal ——— | Secondary - - -



Territory West of 1500 Boundary Territory East of Modern Boundary

It is only when painted against their natural background that they reveal their true interest.

To appreciate them properly, then, we must first study the topography of the French Alps, or at least of that region lying between Mont Blanc and the Lac du Bourget on the north, the Col de Larche and the junction of the Durance and the Buëch on the south, in which military operations were concentrated by the track of the frontier. Here the French Alps are clearly divisible into four zones, running roughly parallel to their main axis, i.e. north and south.¹ Their differing geological and morphological characteristics, peculiarities of climate and soil, interest the geographer,² but for us the most important feature of each is the nature of the facilities for communication which each affords. The first zone, east of the Rhône valley and the plains of Bas-Dauphiné, is that of the sub-alpine chains, or 'Préalpes', the limestone mountains of the Grande Chartreuse and of the Vercors, the marly ranges of the Diois and the Baronnies. Their eastern slopes overlook a great natural highway formed by a chain of broad valleys, those of the middle course of the Isère (Graisivaudan), the Drac, and the Durance. The principal link between this long line and the parallel valley of the Rhône is the Cluse de Voreppe, the passage by which the Isère, after its junction with the Drac, pierces the Préalpes. The second zone is that of the great central *massifs*, Mont Blanc, Belledonne, Grandes Rousses, Taillefer, Mont Pelvoux. These masses of hard crystalline rocks, all (with the exception of Taillefer) snow-crowned and glacier-bearing,³ are, strategically as well as geologically, the heart of the French Alps, the region where the struggle over the scanty means of communication rages most fiercely. The natural highways are the valleys of the upper Isère (Tarentaise), the Arc (Maurienne), the Romanche (Oisans), and the Drac (Champsaur). The last named, which crosses the southern extremity of the zone, differs in character from the first three, but resembles them in offering no easy road. These lines of communication follow a system of valleys strongly marked with the signs of glacial erosion and sown with every kind of obstacle—valleys with broken gradients, sometimes walled by abrupt cliffs, or divided by rocky barriers, traversed only by deep and narrow gorges, into a series of ill-drained marshy basins—strewn with boulders, ravaged by

¹ See A. de Lapparent, *Leçons de Géographie Physique*, ch. xxii, and Fèvre et Hauser, *Régions et Pays de France*, ch. ix.

² See R. Blanchard, *Le Dauphiné*, in the *Revue Mensuelle du Touring-Club de France*, xxii^{me} année, janvier 1912.

³ T. G. Bonney, *The Building of the Alps*, p. 130. The glaciers of Belledonne are inconsiderable. The Vanoise, on the other hand, has extensive glaciers, and though not geologically one of the *massifs centraux*, might be ranked with them as a strategic factor.

the spring floods. Where the marks of glacial action are absent, as in Champsaur, the torrential character of the streams militates equally against the convenient utilization of their valleys. Landslides, falls of stones, the blocking of the way by the *débris-fans* built up by temporary torrents when the snows melt, all help to make the great central barrier one of the keys of France. In the third belt, named from its central district the 'zone du Briançonnais', the presence of a great variety of relatively soft rocks has allowed the cutting of wider valleys and the establishment in consequence of a much more practicable system of communication. This zone, as well as the second, is crossed by the upper valleys of the Isère and the Arc; then comes the group of valleys constituting the Briançonnais proper, those of the Clairée, the Guisane, the Gironde, and the Durance itself. South of these lie those of the Guil (Queyras) and the Ubaye (Barcelonnette). These are all in easy communication with the fourth zone, Piedmont, from whose lofty heights the tributaries of the Po descend rapidly to the plains of northern Italy.

The modern boundary, following the line of water-parting between the affluents of the Rhône and those of the Po, bears little resemblance to the frontier of the seventeenth and eighteenth centuries. This latter was a legacy from the centuries of confusion following the dissolution of the empire of Charlemagne, when the rival lords of Vienne and Chambéry set out to carve themselves principalities eastward in the Alpine No-Man's-Land.⁴ Both succeeded in their object; but while the Dauphiny, like its southern neighbour Provence, gravitated towards France and was finally absorbed, Savoy shifted its centre of gravity towards Italy and retained its independence. The boundary between the estates of two local chieftains became thus the line which France under Louis XIV defended against the forces of allied Europe. Leaving the Rhône at Saint-Génix, the frontier cut obliquely across the four alpine zones described above. It followed the Guiers to its source in the Guiers Vif, then mounting to the summit of Mont Granier, it crossed the head of the Graisivaudan between Fort Barraux and Montmélian. Marked next by the course of the Bréda, it later coincided with the line of water-parting on which lie the Cols du Glandon, des Prés Nouveaux, and du Galibier, as far as Mont Thabor. Here it met the modern frontier, which it followed eastward to the Col d'Ambin. It now crossed the valley of the Dora Riparia below Exilles, and after cutting across that of the Chisone, returned at the Col de Saint-Martin to the modern line. Leaving it again near Mont Viso, it gave to France the headwaters of the Varaita, and to Piedmont the whole valley of the

⁴ For the political history of the western Alps, see W. A. B. Coolidge, *The Alps in Nature and History*, ch. vii.

Ubaye. To the south of Barcelonnette, it wandered confusedly among the southernmost Alps.⁵

This frontier existed from the end of the fifteenth century to the Revolution, the only serious modifications occurring in 1713. It bears the stamp of its history; it is clearly the product of circumstances, not the result of the labours of a boundary commission. It speaks too of a system of communication imposed by a less advanced stage of engineering achievement, when a ridge does not always divide, nor a valley unite; because the early engineer finds it easier to carry his road over a lofty pass than to bring it safely through a narrow or steep-sided section of the valley. Take as an example the line Romanche-Guisane. The important point is not the Col du Lautaret, a wide, easy pass despite its elevation (2,075 metres), but the narrow gorge below the village of Mont-de-Lans, where the Romanche fills all the scanty space between two almost vertical walls of hard rock. Until the early years of the nineteenth century, when it was found possible to blast a gallery across the cliff face itself,⁶ the road had always been forced to make a considerable détour at this point; but neither its first constructors, the Romans, nor their less skilled successors, had ever found any serious difficulty in traversing the Col du Lautaret. It must also be remembered that Alpine roadways, if better, are fewer than formerly. Their number is inversely proportionate to their serviceableness and the cost of their construction and upkeep. Hence it often happens that a single excellent high road, following the easy gradient of a river-valley, has replaced half a dozen mule-tracks running at a higher level. As the valley-roads improved, and traffic became concentrated upon them, the hill-paths, maintained principally by use, tended to fall into decay, and thus a number of secondary strategic lines were obliterated.⁷ In consequence we find that frontier surveyors of the eighteenth century rather deprecate the improvement of main roads,⁸ unless

⁵ See Montannel, *Topographie Militaire de la Frontière des Alpes*, 1777, pp. 287, 599. (*Documents Inédits*, tom. iii, published by the Académie Delphinale at Grenoble, 1875); Sopheau, *Variations dans la Frontière française des Alpes*, *Annales de Géographie*, 1894, pp. 183-98.

⁶ Perrin-Dulac, *Description générale du Département de l'Isère*, 1806.

⁷ The extension and subsequent shrinkage of the glaciers of the Pelvoux massif, during the latter half of the eighteenth century, affected some of the minor passes. For example, local tradition affirms that in former years a priest named Hanne was able to come every Sunday by the Col des Grandes-Sagnes (= Col de la Temple) from the Chalets de l'Aile-Froide to La Bérarde to say mass there and return in the same day. The point is discussed in Chaix, *Préoccupations statistiques du Département des Hautes-Alpes*, 1845, p. 81; Ladoucette, *Hist. des Hautes-Alpes*, 1848, p. 8; Duhamel, *Topographie hist. du Haut-Dauphiné*, Grenoble, 1896, p. 17; Guillemain, *Les Voies anciennes des Glaciers du Pelvoux*, in the *Annuaire du Club alpin français*, 1886, p. 13; and Coolidge, *Les Cols de Glaciers des Alpes Dauphinoises*, Grenoble, 1912, pp. 15-27.

⁸ See J.-B. de Bourcet, *Communications à ouvrir entre la Grande et la Petite Route*,

great care was taken to preserve these lesser passages, so valuable for scouting purposes and for turning movements, as well as for the collecting of supplies. Finally, it may be said that the mobility of an Alpine army tended to increase with every campaign, not only by the strengthening of its marching powers, but also by the improvement of the roads which it used. Except at points where natural obstacles called for the intervention of the engineer, the feet of the passers-by were, generally speaking, the principal instruments of road-construction, so that a strategically important road was likely to be in much better condition at the end of a war than at the close of a period of peace.

The Alpine chessboard, then, with its oblique line of division, offered a field for very fine play, and the combatants became very skilled players. Its problems, worked out in practice by Lesdiguières, Catinat, Berwick, and others, were formulated in theory by the Ingénieurs-Géographes who from about 1720 were busy surveying and fortifying the country. They pointed out that the frontier's central feature is the projection made by the Dauphiny (including the transalpine portion of the Briançonnais) into the heart of the Savoyard territory.⁹ The core of this promontory consists of the four great *massifs* of Belledonne, the Grandes Rousses, Taillefer, and Mont Pelvoux, which together form a shield for the great sub-alpine valley and the Cluse de Voreppe, i.e. the approach to the Rhône. This mountain barrier is the vital point of the French defence. Montannel, one of the military writers above referred to, says that between the Col du Lautaret and the Col de Vars is found the central point of the line whether of defence or of attack, and again, 'C'est sur le pourtour du Pelvoux que se trouvent les principaux débouchés, les principaux postes, et les principales positions de la frontière des Alpes.'¹⁰ To the east, the broad valleys of the Briançonnais offered an easy way of attack upon Piedmont, by the Mont Genève and the Dora Riparia or the Chisone. The two strongholds of the projection were Grenoble, the arsenal and store dépôt¹¹ at the entrance of the Cluse de Voreppe, and Briançon,¹² the advanced post guarding the Mont Genève. No position was more zealously defended than that of Briançon, for it commanded a network

P.-J. de Bourcet, *Mém. sur les Comm. entre la Grande et la Petite Route*, and the *Observations importantes du Comte de Marcieu*, all in the *Documents annexes, Voyage d'Inspection de la Front. des Alpes du Marquis de Paulmy*, 1752, ed. Duhamel, pp. 131-55, 169-73.

⁹ Montannel, *Topographie Militaire*, p. 103 *et seqq.*; and Sopheau, *op. cit.*

¹⁰ *Topogr. Milit.*, section on the Drac valley, pp. 113 *et seqq.*

¹¹ Aiguillon, *Mémoire Militaire sur les Frontières de France*, part i, *Des Places du Dauphiné*, p. 213; printed in Bourcet's *Mémoires Militaires* (1801).

¹² *Mémoire de M. Dillon*, in Vault, *Mémoires Militaires relatifs à la Succession d'Espagne*, xi. 556; subsequent writers (La Blottière, 1721, Montannel, 1777, P.-J. de Bourcet, 1752; Aiguillon, 1753) do little more than repeat Dillon's statements.

of valleys. Should it fall, the French fortresses on the Italian slope of the Alps, Oulx and Exilles on the Dora Riparia, Fénestrelles and Pignerol on the Chisone, would be cut off from their base and must surrender, and several lines of invasion would be open to the enemy, the lines turning the great mountain barrier on the north and on the south, and that which crossed it almost at its centre.

To turn this barrier was naturally the main object of the duke of Savoy. Under ordinary circumstances it was more easily effected on the north than on the south, where a long détour was necessary. To the north, Savoy had the Mont Cenis and



the Maurienne, and nothing was easier than to bring a body of troops by this route to Montmélian at the head of the Graisivaudan, about thirty miles from Grenoble and the passage through the 'Préalpes'. But against this move the French defensive had its remedy. Grenoble and Briançon are linked together by two roads. The more southerly, which passes by the Drac, the Col Bayard, Gap, and the upper valley of the Durance, was at this time the only one available for wheeled traffic; hence its title of 'la Grande Route'. The northerly, or 'Petite Route', fit only for pedestrians and horses, crossed by the Col du Lautaret from the valley of the Guisane to that of the Romanche, and rejoined the first at Vizille. Despite its name, the 'Little Road' was of the utmost importance

strategically. It was shorter by four days' march than the Grande Route. An army encamped at its central point, the plain of Bourg d'Oisans, was in a position either to fall back upon Grenoble, should that place be threatened, or to advance to the help of Briançon.¹³ It could dispatch reinforcements by the Col de l'Eychauda to the east, or the Col d'Ornon to the west, to any corps on the Grande Route in need of support. By the passes to the north (Glandon, Prés Nouveaux, Galibier) it could take in flank an army in the Maurienne, bar its advance, cut its communications, or harass its retreat. Even the difficulties of the road enhanced its defensive value; the series of *mauvais pas*¹⁴ which were the despair of the engineer was to the military eye a guarantee that no hostile force would ever advance far along it. The Grande Route, in itself less defensible, was protected chiefly by its greater distance from the Savoyard base of operations.

We may sum up the essentials of the strategic situation thus. The French defensive in the Alps, linked to the operations on the Rhône and the Var, must utilize the great central barrier to cover the line of the Graisivaudan and the Drac, and the gap in the rampart of the 'Préalpes' defended by Grenoble. It must guard against a turning movement on the south by watching the passes which give access to the Durance valley (Cols de Larche, de Vars, Longet). On the north, it possesses in the Petite Route and its secondary paths a valuable check upon the approach of the enemy via Mont Cenis and the Maurienne. To Montmélian it must oppose Fort Barraux. Briançon, the key of the great barrier, may also be made the base for offensive movements in the direction of Turin, by the Mont Genève and the Waldensian valleys. This place is therefore a frequent object of the Savoyard attack. The alternatives are a direct attack upon the Grande Route, or a southward raid from Montmélian; but in the latter case, a Savoyard army must occupy the Maurienne in force, to prevent Montmélian itself being taken in the rear by French troops coming from the Petite Route. On the whole, the advantages are on the side of France, who profits by the general configuration of the western Alps. All the natural high roads, diverging towards the Rhône valley, converge upon Turin, so that a French invasion of Italy gathers force as it goes, like the waters of a torrent collected from a *cirque* and poured out through a narrow channel; while an army invading France

¹³ Montannel, *op. cit.*, section on the Romanche valley, pp. 161-2.

¹⁴ In particular five difficult spots between the Col du Lautaret and Vizille, upon which money was already being spent in 1509 (Archives du Département de l'Isère, B. 2906), and which three centuries later still confronted the engineer Dausse. See an essay on 'La Route du Lautaret' in the *Annales de l'Université de Grenoble*, tom. xxiv, no. 1, 1912.

from Italy tends to split up and dissipate its energies, as the same torrent will do when it leaves its gorge and spreads over the plain.

So much for the scene ; now to turn to the action. The Alps are constantly filled with war, which rises in the scale, through unrecorded tribal affrays, struggles of the Dauphins with their northern rival,¹⁵ disputes arising out of the Italian expeditions, civil strife, to the magnitude of an affair of international importance. This point is reached when, at the close of the wars of religion, the duke of Savoy intervenes in the conflict of Bourbon against Habsburg. Then comes forward the first great exponent of Alpine strategy on a large scale, François de Bonne, maréchal de Lesdiguières, once a protestant leader in his native country, the Dauphiny, shortly to become lieutenant-governor of that province and constable of France. His campaigns demonstrated admirably the strategic qualities of the frontier. In 1588, Charles-Emmanuel having invaded Provence, Lesdiguières forced him to evacuate it by a sally into Piedmont from the Briançonnais.¹⁶ In 1593, having learnt at the Mont Genève that the Savoyards were encamped in the Graisivaudan and doing much damage there, he hastened by the Petite Route to dislodge them.¹⁷ In 1597 the duke expected Spanish reinforcements to arrive from Milan via the Mont Cenis. Lesdiguières assembled an army at Grenoble and led it up the Romanche and past Vaujany by the Col de la Croix de Fer into the Maurienne, thus completely blocking the path of the duke's allies.¹⁸ The following year he captured the recently (1594) fortified position of Barraux, which remained in French hands. Charles-Emmanuel was completely baffled by the opponent whom he called 'the fox of the Dauphiny'.

Nearly a century elapsed before war was renewed. After 1630 Savoy was to some extent held in check by the strong fortress of Pignerol, which Richelieu gained for France in that year, but the ambition of the ducal house grew with the growth of its power, and Victor-Amadeus II chafed under the tutelage of Louis XIV. In 1681, Casale having fallen into Louis's hands, he found his capital Turin enclosed between two French strongholds. He had strong incentives to join the League of Augsburg, which he did in 1690, and it is significant

¹⁵ See Prudhomme, *Histoire de Grenoble*, pp. 143, 209.

¹⁶ *Journal des Guerres de Lesdiguières (Actes et Correspondance du Connétable de Lesdiguières, vol. iii, Grenoble, 1884, ed. by Douglas and Roman, in the Documents pour servir à l'Histoire du Dauphiné)*. See also Sopheau's article in the *Ann. de Géogr.* quoted above.

¹⁷ *Journal des Guerres*, as above.

¹⁸ *Lesdiguières et l'Armée du Roy en Savoie*, and *Sommaire Récit du Progrès de l'Armée*, in the same collection.

that in the ensuing war he made his most serious attack on the French frontier. His opponent was Catinat, a worthy successor of Lesdiguières. In 1691, after the defeat of the duke at Staffarde (1690), a French army occupied Savoy, but at the expense of leaving the southern districts less well covered than before. Accordingly, in 1692 Victor-Amadeus crossed the Col de l'Argentière and the Col de Vars, fell upon the Durance valley, took Embrun after a short siege, and advanced down the river towards Gap and the high road to Grenoble.¹⁹ Catinat himself was at Pallon, a strong position on the Durance between Briançon and Embrun. The defence of the Grande Route was somewhat inadequately provided for by the presence of a body of cavalry under Bachivilliers at Aspres-lès-Corps. The communications of the two armies had to make the circuit of the Pelvoux by Valbonnais, the Col d'Ornon, the Petite Route, and Vallouise. Fearing for the safety of Grenoble, Catinat on 29 August dispatched six battalions, including two from the Limerick regiment, from the camps at his rear towards the Col du Lautaret, and gave orders for the establishment of a camp at Bourg d'Oisans, the only suitable site on the Petite Route.²⁰ Two days later, on receipt of an urgent letter from Bachivilliers, he ordered off four more battalions and hurried away to La Grave and Bourg d'Oisans, reaching Aspres at 10 a.m. on 2 September.²¹ That midnight ride, lit up by pine-trees set ablaze for the purpose,²² is one of the most picturesque incidents in the history of Alpine warfare. Indeed, the whole campaign is more stirring than usual, for this is the year in which Mademoiselle Philis de la Charce de la Tour du Pin won for herself renown by her organization of the defence of northern Dauphiny. The news of Catinat's arrival at Aspres amazed the duke, whose most recent advices from the Durance spoke of the commander's continued presence at Pallon.²³ Thus unexpectedly checked, smitten with illness, and disappointed in his hopes of an enthusiastic welcome from the long-suffering protestants of the Dauphiny, he determined to withdraw. Catinat promptly marched back five battalions towards Briançon²⁴ lest the retreating army should attempt an attack, but his anxieties proved groundless. The Savoyards repassed the frontier, and the Alps were left once more in peace.

Having demanded and obtained the cession of Pignerol and

¹⁹ Rochas, *La Campagne de 1692 dans le Haut-Dauphiné*, Paris, 1874; Perreau, *L'Épopée des Alpes*, Paris, 1903, vol. i, ch. viii, and *Catinat et la Défense du Dauphiné en 1692*, Paris, 1892.

²⁰ Rochas, *La Campagne de 1692*, letter of Catinat to the king, 29 August, p. 53.

²¹ *Ibid.*, letters of 31 August and 2 September, pp. 55-60.

²² Krebs et Moris, *Campagnes dans les Alpes pendant la Révolution*, ii. 73 n.

²³ Perreau, *Catinat et la Défense du Dauphiné*.

²⁴ Rochas, *op. cit.*, letter of 2 September, p. 60.

Casale, Victor-Amadeus was encouraged to repeat his tactics when the war of the Spanish Succession broke out in 1701. For a time, indeed, he showed no disposition to leave the side of France. The war began with the Austrian attack upon the Milanese, and for some time operations were confined to that district, even when in 1703 the duke joined the Grand Alliance. While Marlborough fought at Blenheim and Ramillies, the Alps remained at peace, save for the raids of the Vaudois, who penetrated as far as La Grave,²⁵ and the attempt of the duke to retake his ancient capital of Chambéry, when La Feuillade on his defection occupied the Maurienne and the Tarentaise (January 1704).²⁶ But after the Austrian victory at Turin, in 1706, the frontier was threatened, and the first period of its defence began. Victor-Amadeus, happily for the French general, Tessé, who was little fitted to command in the Alps,²⁷ allowed the campaign of 1707 to pass quietly. In 1708 Villars, fresh from his successes on the Rhine and at Stollhoffen, took the place of Tessé, and found the French army in a neglected condition²⁸ and the duke preparing for an incursion—in what direction he could only conjecture. Soon he learnt that one Savoyard column was advancing to Moutiers-en-Tarentaise, another to Saint-Jean-de-Maurienne.²⁹ Fearing for the Rhône, he shifted the bulk of his troops northwards towards Fort Barraux,³⁰ called upon some reinforcements coming from Provence to hasten their march³¹, and ordered out the local militia to the cols between the Maurienne and the Oisans.³² The enemy fell back from Saint-Jean-de-Maurienne, and came by the Col de la Roue, Bardonnèche, and the Col de l'Échelle to Mont Genève.³³ From La Vachette the duke directed an attack against the Cols de Buffère and de Cristol,³⁴ in the hope of gaining the valley of the Durance in order to take Briançon between two forces. Briançon was saved by the arrival of two battalions from Vizille, which had marched, like Catinat in 1692, day and night, their road lit up by burning pines.³⁵ Villars, who had hastened from Barraux over the Col du Goléon in pursuit, found the enemy already in retreat when he reached the Mont Genève; but the duke retained his hold on the valleys

²⁵ Vault, *Mémoires militaires relatifs à la Succession d'Espagne*, iv. 87.

²⁶ *Ibid.* iii. 361; iv. 100; and reference to letter of 20 April 1704.

²⁷ *Ibid.* iii. 361, and vii. 326; also Catinat's *Mémoire* of 19 October 1707.

²⁸ *Ibid.* viii. 175. For this campaign see also La Blottière, *Mémoire concernant les Frontières de Piémont et de Savoie* (1721), printed at Grenoble, 1891, pp. 7–16; Bourcet, *Notes géographiques sur les Frontières de Piedmont et de Savoie* (Bibliothèque de Grenoble); Perreau, *L'Épopée des Alpes*, vol. ii, 1912, ch. iv.

²⁹ Vault, viii. 599.

³⁰ *Ibid.* p. 236.

³¹ *Ibid.* pp. 240, 243.

³² *Ibid.* p. 241.

³³ *Ibid.* pp. 249 *seqq.*

³⁴ 4 August, Vault, viii. 253; see also reference to the Archives du Dépôt de la Guerre, in tom. viii, *Pièces Justificatives*, p. 605.

³⁵ Vault, viii. 253 n.; and Krebs et Moris, *Campagnes dans les Alpes*, ii. 73 n.

commanding that pass, and was thus in an excellent position to take the offensive at the beginning of the next campaign.³⁶ It was a disastrous year for France, the year of Oudenarde and the fall of Lille, ending with a terrible winter of cold and famine, but it marked the end of the danger on the Alpine frontier, despite the unpromising situation of the French army in September.

In 1709, Villars having been called away to take command of the army that in a few months met its fate at Malplaquet, he was replaced by the duke of Berwick, who opened the second and successful period of the defence. He made Briançon his centre,³⁷ Fort Barraux his northern and the camp of Tournoux his southern base, and linked up these strongholds³⁸ by a chain of posts to cover the passes commanding the Ubaye,³⁹ the Guil,⁴⁰ the Clairée,⁴¹ the Guisane,⁴² and the Romanche.⁴³ Behind this line he shifted the bulk of his troops to and fro as occasion demanded,⁴⁴ till the war was at an end. The perfect position for the defensive⁴⁵ was elaborated at last, and Marlborough's nephew held Marlborough's allies completely in check. Though Victor-Amadeus was thus reduced to impotence, his intervention in the war won for him all he desired, an accession of territory, which never came amiss to a duke of Savoy, whether it fell to him as the reward of victory or the consolation of defeat. The peace of Utrecht, 1713, gave him the kingdom of Sicily, which in 1720 he exchanged for that of Sardinia. At the same time (1713) France exchanged the upper valleys of the Dora Riparia, the Chisone, and the Varaita, for that of the Ubaye, and Berwick's line was thus perpetuated in the new frontier.

Charles-Emmanuel III did not fail to play his part in the war of the Austrian Succession. He might have turned the changes of 1713 to good effect, but for several causes he concentrated his efforts in Italy. One reason was the occupation of Savoy by a Spanish contingent unable to join the main army in Lombardy, another was the necessity for co-operating with the English fleet, which drew the Austro-Sardinian forces southward. Underlying all is the fact that the point of view of the king of Sardinia differed from that of the duke of Savoy. The Alpine passes no longer claimed his chief attention. The French

³⁶ Vault, ix. 118.

³⁷ *Ibid.* pp. 146, 426, 434.

³⁸ *Ibid.* p. 169.

³⁹ Col de Larche.

⁴⁰ Cols de Longet, de la Croix, and de Saint-Martin.

⁴¹ Col de l'Échelle.

⁴² Cols des Barteaux, de Granon, de Cristol, de Buffère, du Chardonnet.

⁴³ Cols de la Ponsonnière, du Galibier, du Goléon, des Prés Nouveaux, du Glandon, de la Croix de Fer.

⁴⁴ Vault, x. 171, 173, &c.

⁴⁵ Aiguillon, *Mém. mil. sur les Front. de France*, part ii, pp. 218-41; Montannel, *Topogr. milit. de la Front. des Alpes*, p. 194; Bourcet, *Notes géogr. sur les Front. de Piémont et de Savoie*, as above.

and Spanish troops refrained, save in one instance, from taking the offensive. Hence with the exception of the disaster which befell the Chevalier de Belleisle at the Col de l'Assiette, when in 1747 he attempted to carry the war into the enemy's country, this war,⁴⁶ so far as the Alps were concerned, was an affair not of fighting but of toil.

This latter aspect of Alpine warfare, which has not yet been touched upon, figures impressively in the local records, and to a less extent in the interesting memoirs of the Ingénieurs-Géographes on frontier defence. Success is earned by hard work, the burden of which falls largely on the civil officers and the local population. The campaigns are short, but the preparations for them are long. To begin with, the snow, while it puts a stop to hostilities, cannot be allowed to interrupt communication with the advanced posts—between Grenoble and Briançon, for example. In times of war, says La Blotière,⁴⁷ one of the earliest and best of the military writers, the country people are obliged to keep the Col du Lautaret open by hardening the snow, which is done by dragging sledges to and fro, loaded at first lightly, then more heavily; their weight presses down and hardens the snow so that a horse or mule can pass without sinking in. These sledges (*ramasses*) were also used to transport persons. Those on Mont Genève were usually drawn by two women, who received but small pay. When the snow begins to soften and melt, it must be dug away so as to lay bare the road itself, and sometimes a depth equal to the height of a horse and its rider has to be dug through. Then came the repairing of the road, annually damaged by flood and torrent and falling rocks. Those parts of the work requiring skilled labour were done by contractors; the *corvées* did the rest.⁴⁸ The transport of provisions and munitions of war, generally on mules, sometimes on the backs of men, was the next task. Large quantities of hay from the alps (pastures) were requisitioned for the horses, as well as grain for human consumption.⁴⁹ In the war of the League of Augsburg the management of these affairs fell into dishonest hands, and the peasants' sufferings were aggravated by the sharp practice of the contractors.⁵⁰ The resultant lawsuits were still in progress in 1700. In that year, to mitigate the hardships of

⁴⁶ For the whole war, see Arvers, *Guerre de la Succession d'Autriche* (Paris, 2 vols. 1892); for the disaster at the Col de l'Assiette, *ibid.*, ii. 3, 13, and Brunet de l'Argentière, *Mémoire de la Guerre sur les Frontières du Dauphiné et de Savoie, 1742-7* (printed at Paris, 1887).

⁴⁷ *Mémoire concernant les Frontières du Piémont et de Savoie, 1721*, pp. 63, 105.

⁴⁸ Archives de l'Intendance du Dauphiné, Ponts et Chaussées, 1680-1791, C. i, in the Archives du Département de l'Isère.

⁴⁹ *Ibid.*
⁵⁰ Jugements et Ordonnances rendus par M. l'Intendant Bouchu, 1686-9, Arch. de l'Intendance du Dauphiné, C. ii, v, vi.

the time, we find contractors for road-repairing bound to employ the poor of the neighbourhood, whosoever should come forward, men, women, and children capable of working, in preference to all other workmen.⁵¹

Next came the army itself. Accommodation had to be found for the soldiers, and keen was the competition to avoid providing it. The passage of the troops was apparently an opportunity for paying off old scores between rival villages, for in 1693 a case was heard

Entre Laurens Rey et autres habitans du lieu de Vernis, hameau dépendant de la Communauté de La Garde, demandans en requeste du 23 novembre 1691, en réparation du domage à eux causé par un logement des soldats par Claude Jeoffrey, consul du Bourg d'Oisans, par un pur esprit d'animosité, ledit lieu de Vernis estant dépendant de La Garde et non du Bourg d'Oisans.⁵²

Complaints were also made that the officers forced the peasants to furnish carts, horses, &c., to carry sick men, arms, and clothing, and to travel far from their native villages, without paying the legal price for such services, so that owners of horses and harness were in the habit of concealing them, 'ce qui cause des désordres extraordinaires entre les officiers d'icelles et lesdits Consuls et Habitants.'⁵³ In September 1744 the provisioning of the frontier garrisons, neglected in the spring, was being pressed on,⁵⁴ and the peasants were said to be actually too busy transporting supplies to be called upon to work on the roads.⁵⁵ In 1747 the services of three thousand peasants were requisitioned for the entrenchment of the passes about the Mont Genève, exposed to attack by Belleisle's defeat. Brunet de l'Argentièrè supervised their work, and described the experience in his memoir on the war thus :

Je fus chargé du détail de ces 3000 pionniers, qu'il fallut tirer, 800 du Briançonnais et vallée de Quayras, 800 de l'Embrunois, 700 du Gapençois et 700 de l'Oisans et subdélégation de Vizille, et de leur faire délivrer pour tout payement deux rations de pain par jour. Ces misérables couchaient sur les montagnes, le plus souvent à l'air. Leur pain, avec l'eau de neige, les faisait tomber malades ; ce mal-être, joint à leurs mauvais traitements que les sergents et soldats qui les dirigeaient étaient obligés de faire à ceux qui fuyoient le travail, faisaient de cette partie la plus cruelle besogne qu'on puisse jamais faire.⁵⁶

⁵¹ Arch. de l'Intendance du Dauphiné, Ponts et Chaussées, C. i, Route de Grenoble à Briançon, 1700, Devis des Réparations sur le Grand Chemin de Grenoble à Vizille.

⁵² Ordonnances de l'Intendant Bouchu, Arch. de l'Intendance du Dauphiné, C. iii, 25 avril 1693.

⁵³ *Ibid.* C. ii, 14 août 1686. The legal tariff is given in this document.

⁵⁴ Brunet de l'Argentièrè, *Mém. de la Guerre sur les Frontières*, pp. 24-5.

⁵⁵ Arch. de l'Intendance du Dauphiné, C. i, 1744, Devis des ouvrages entre Vizille et Gavet.

⁵⁶ *Mém. de la Guerre*, pp. 78-9. One seems to trace reminiscences of the experience

Add to this the soldiers' share—the weary climbs, the forced marches over bad roads or no roads, the blazing heat of southward-facing slopes, the cold of long watches on the high passes. There is a great deal behind that *locis superioribus occupatis* when applied to scientific warfare. The mountain is the first enemy, the duke of Savoy only the second. Warfare, indeed, is of the essence of Alpine life ; for the intermittent strife of man with man is but an incident, a brief dispute over the spoils of the greater battle, the war of man with the forces of nature, in which there is no discharge.

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in his *Mémoires historiques sur le Briançonnais*, 1754 (Bibliothèque de Grenoble), the passage on the construction of the Roman roads by forced labour, pp. 76, 77.

The Peerage Bill of 1719

IN 1719 the leaders of the whig party suddenly introduced into parliament a bill designed to secure their power by making the house of lords, which they then controlled, a body to be controlled by them in perpetuity. Had their attempt succeeded, they would have rendered the lords virtually a close corporation, beyond the reach either of king or of commons. The government of Great Britain, which was at the time controlled by a few great magnates, would almost certainly have become an unquestioned oligarchy. It may well be doubted whether further constitutional progress could have been brought about save by bloodshed and revolution. The bill, which was introduced in the house of lords,¹ provided that the sixteen elective peerages, which had been allotted to Scotland by the Articles of Union, were to be abolished, and the king was instead to nominate twenty-five Scottish hereditary peers. It provided also for six new English peerages; but no future additions were to be made to the number, though the king might thereafter create new peers on the extinction of existing peerages through failure of issue.² There were at this time 220 peers, spiritual, temporal, and Scottish.³ As a result of the changes proposed there would be 235, after which the number was to be fixed and immutable. These provisions, which were intrinsically acceptable only to the lords themselves, inevitably caused a relative diminution of the prerogative of the Crown, of the power of the commons, and of the dignity of the peerage of Scotland. Since the enactment of the bill altogether depended upon the support of the persons whom it so clearly offended, it may be wondered that a ministry should have brought it forward. The explanation is to be found in the peculiar circumstances of the period, which caused the whig leaders ardently to desire the change at the same time that they were able to foresee success.

The revolution of 1688 had been the work of an active and powerful minority. This minority had, however, more or less cordial support from many others who dreaded injury to the

¹ *Lords' Journals*, xxi. 83.

² *Ibid.* xxi. 89, 90; *Parliamentary History*, vii. 589, 590.

³ *Parl. Hist.* vii. 593.

church of England, and who feared the overwhelming power of France. But the more complete dynastic changes of 1714 came at a time when the power of France was thoroughly broken, and when militant catholicism was no longer greatly to be feared. Therefore the whig leaders who brought over George I found themselves at the head of a minority, with much less of the support of high churchmen and patriotic tories than they had had under Anne.⁴ The king whom they had given to England thought less of his kingdom than of Hanover, and knew little of the language and customs of his new domain. In spite of his dull and commonplace appearance, time was to show him just and prudent, and even wise; but among his new subjects enthusiasm waned and died, and he was soon thoroughly unpopular. It is well known that the restoration of the Stuarts was contemplated in the last days of Anne. During the early years of George I an increasing number of people wished that this restoration might be accomplished. Accordingly, at this time the correspondence of the Jacobites is filled with exultant allusions to the better prospects for the future of their cause.⁵

The dangers which surrounded the whig politicians were made greater by divisions among themselves.⁶ In April 1717 Sir Robert Walpole and his friends were driven out of the ministry, and forthwith became a troublesome and menacing opposition in parliament. Never did Walpole display greater dexterity and force. The Jacobites believed that he designed to overturn the existing government, and began to court his alliance.⁷ Edward Harley wrote that the ministry was preparing to impeach him.⁸ It is true that the followers of Walpole were not numerous, and that the tories were at first too much discouraged and too badly organized to make an effective resistance; but if only some leader were found about whom the various fragments could assemble, the opposition would become formidable. This leader was soon found in the prince of Wales.

The origin of the celebrated quarrel between George I and the prince of Wales has been variously stated. Saint Simon declares that the king never loved his son.⁹ Unlike his father the prince assiduously cultivated English manners and speech,¹⁰ and was

⁴ Cf. *Historical Manuscripts Commission, Stuart Papers*, v. 616.

⁵ *Stuart Papers*, *passim*.

⁶ 'One cannot but say too that the Whigs are almost grown Tories in conduct, divided and indolent and distrustful:' Menzies to Inese, 18 November 1717, *ibid.* v. 245.

⁷ *Ibid.* v. 158, 159.

⁸ Edward Harley, junior, to Abigail Harley, 13 April 1718: *Hist. MSS. Comm., Portland MSS.* v. 559.

⁹ Quoted by Lord Mahon, *History of England*, i. 441 (ed. 1839). Cf. *Stuart Papers*, i. 270, 290, 304; *State Papers, Domestic, George I*, 13, 29 November 1717; *Papers of Cardinal Gualterio*, British Museum, Add. MS. 20345, fo. 237.

¹⁰ 'I wrote formerly . . . that the father was governed by foreigners and the son

soon in disfavour with the king's German favourites,¹¹ so that he even became unpopular in Hanover as being too much inclined towards the 'British Interest'.¹² It was, perhaps, inevitable that in the midst of political strife and intrigue the young man should have been sought out by the opposition, and suspected by the leaders at court. 'Young Hopeful is making up a party of his own,' wrote one of the Jacobites, 'in opposition to the present managers with whom he is not at all pleased.'¹³ The Tories were soon thronging around him. The king lacked neither urging nor desire to put an end to this. When he left England for Hanover in 1716 the prince was appointed 'Guardian of the Kingdom', but the circumstances were such that his resentment was afterwards awakened.¹⁴ In January 1717 the king ordered him to dismiss the duke of Argyle, groom of his stole, and choose some one more agreeable to the royal ministers. This the prince refused to do.¹⁵ A few months later Bothmar believed that he was tampering with the army.¹⁶ His supporters, who embraced Townshend, Walpole, and even the archbishop of Canterbury, became troublesome, and his party in the house of commons a source of grave disquiet.¹⁷ The result was that the dissensions between father and son became more and more open, and the hatred more and more apparent.¹⁸ 'I believe the breach is never to be made up,' wrote Anne Oglethorpe.¹⁹ 'Tis very plain,' said another, 'that everything tends to an open rupture.'²⁰

The climax came in a manner which amazed and scandalized Europe. On 28 November 1717 the duke of Newcastle, by order of the king, stood as godfather at the christening of the prince's son. Against this the prince had protested in vain. At the conclusion of the ceremony he rushed upon Newcastle with threatening mien and angry words: the bystanders thought he said, 'You Rascall I will fight you.'²¹ Immediately complaint was made to the king, and a cabinet meeting held.²² It may be that the ministers were not loath to urge George to take severe measures, for some of them, Sunderland in particular, had long

by English: 'T. Bruce to the duke of Mar, 9 October 1716, *Stuart Papers*, iii. 49. Cf. *The Weekly Journal*, 8 November 1717.

¹¹ *Stuart Papers*, iv. 292.

¹² Kerr's Secret Memoirs, State Papers, Domestic, Anne, 24, fo. 249.

¹³ Sir Hugh Patterson to the duke of Mar, 31 August 1716: *Stuart Papers*, ii. 396.

¹⁴ T. Astle in Stowe MS. 540, fo. 74. For the instructions to the prince of Wales, see Add. MS. 34523, ff. 377-9.

¹⁵ *Stuart Papers*, iii. 423, 428, 517.

¹⁶ *Ibid.* iv. 251.

¹⁷ *Ibid.* iv. 143, 144; v. 128, 141.

¹⁸ *Ibid.* iv. 162, 237, 269, 295, 333, 548.

¹⁹ To the duke of Mar, 31 May 1717: *ibid.* iv. 300.

²⁰ Panton to Major Fraser, 15 January 1717: *ibid.* iii. 448.

²¹ Egerton MS. 921, fo. 84. For accounts of this quarrel, cf. *Portland MSS.* v. 541, 542; *Stuart Papers*, v. 273-5.

²² *Stuart Papers*, v. 274.

been treated by the prince with great contempt ;²³ but the king was already exasperated. If he had been in Hanover, he said, he knew what he would have done.²⁴ Orders were at once issued confining the prince to his own apartments, depriving him of his guards, and permitting only his servants to have access to him.²⁵ Several communications passed between father and son, but though the prince used submissive words, he justified all his conduct.²⁶ On 2 December he was ordered to leave St. James's. Taking the princess with him, he fled to the house of the duke of Devonshire, penniless and unescorted, making the journey, it is said, in a common hackney chair.²⁷ Nor was this all. Accounts of the matter were dispatched to the European courts, and foreign ministers were desired not to visit him.²⁸ In London the courtiers were bidden to choose between the king and the prince. Even the archbishop of Canterbury was informed that whoever went to the prince or the princess of Wales should forbear coming into his majesty's presence.²⁹ George, who had already been endeavouring to get entire control of his grandchildren,³⁰ now determined to deprive his son of inheritance, so far as it lay in his power. He held long conferences with the lord chancellor and others, and finally made a will alienating Hanover.³¹ At first the prince seemed crushed by his misfortune, and it was believed that he would make entire submission.³² The king had no pity, however, and his terms were very hard. He was to approve the choice of the prince's servants ; his ministers, especially Newcastle, were to be treated civilly ; the grandchildren were to be given into his charge ; and the prince must surrender his annual grant of £100,000.³³ To these conditions the prince would not assent. Then, after a while, his friends began returning to him. Soon the opposition rallied around him more zealously than before, and the ministers found it more difficult than ever to control the house of commons.³⁴

Thus the position of the ministry and of the whig party, which had been difficult enough before, was far worse now.

²³ *Stuart Papers*, v. 610.

²⁴ *Ibid.* v. 275.

²⁵ State Papers, Domestic, George I, 10, 2 December 1717 ; *Portland MSS.* v. 543, 544.

²⁶ Egerton MS. 921, ff. 84, 85 ; Add. MSS. 17504, ff. 164, 165 ; 21505, ff. 66-70.

²⁷ State Papers, Domestic, George I, 10, 2 December 1717 ; *Stuart Papers*, v. 272, 277.

²⁸ State Papers, Domestic, George I, 10, 29 November 1717.

²⁹ *Ibid.* 2, 29 December 1717.

³⁰ Add. MSS. 21498, 21499.

³¹ Stowe MS. 248, ff. 11, 15, 16 ; also 249. The reports of the conferences are dated 1719. Concerning the will, see Add. MS. 32751, fo. 24.

³² *Stuart Papers*, v. 307.

³³ Cf. Egerton MS. 921, fo. 85.

³⁴ 'The Prince's levées and court increase much : ' Menzies to Inese, 30 December 1717, *Stuart Papers*, v. 381. Cf. *Onslow MSS., Hist. MSS. Comm., 14th Report*, app., part ix, p. 509.

The Jacobites rejoiced at the turn affairs had taken, and their letters are full of confident hope and enthusiasm.³⁵ The unpopularity of the king, the disgraceful quarrels within the royal household, the dissensions among the politicians and leaders, combined to make the Hanoverian government seem more precarious than ever. If new elections were held, it was believed that a hostile house of commons might be returned. Furthermore, the king's ministers could foresee nothing but disaster for themselves, since they had offended the prince of Wales so deeply that they could not expect to be forgiven. Even if the present government were not overturned, the day of reckoning would come for them when the prince ascended the throne.³⁶ Then they might be overwhelmed in their last stronghold, the house of lords, if the new king, following the example of Anne, created a number of peers for the mere purpose of outvoting them. For both these reasons—because they feared for the constitutional settlement,³⁷ and because they feared for themselves—the ministers began to meditate schemes to tighten their hold upon office. Now they controlled king, lords, and commons. With the connivance of the king, they determined to limit the number of peers, and so make their control of the house of lords secure at the same time that they placed the lords beyond and above the control of the Crown; and, by repealing the Septennial Act, to continue the existing house of commons indefinitely. It is not known now with whom these schemes originated. It was the belief at the time that Sunderland, made desperate by the prince's resentment, was the most anxious to secure himself, but that Stanhope contrived the means.³⁸ Between these men and the king the Peerage Bill was undoubtedly arranged. It was kept a profound secret, and was only discussed in private meetings of the chief ministers and probably in meetings of the cabinet.³⁹ Apparently it was being considered during the latter part of 1718.⁴⁰

³⁵ 'You may imagine how uppish the Jacobites are upon this disaster, and it must be owned they never had so much reason: ' James Murray to Lieutenant-General Dillon, 13 December 1717, *Stuart Papers*, v. 274.

³⁶ 'Whatever may be the projects of this Ministry, it is not natural to believe that they intend the Prince should ever be King of Great Britain, for they must in that event resolve to leave their estates and fly their country or to suffer in it: ' Memorial by the bishop of Rochester, 14 December 1717, *Stuart Papers*, v. 611; cf. pp. 50, 274.

³⁷ 'I must own I can never think our Constitution settled or the King entirely safe till that be passed: ' Newcastle to Stanhope, 14 October 1719, *Newcastle Papers*, Add. MS. 32686, fo. 151.

³⁸ *Onslow MSS.*, pp. 509, 510, 511, 512. Walpole also was inclined to attribute the authorship of the Peerage Bill to Stanhope: *Parl. Hist.* vii. 619.

³⁹ *Onslow MSS.*, p. 459. I have not been able to find any minute or memorandum of such a meeting. Cf. *State Papers, Domestic*, George I, 1718, 1719; and *Regencies*, 61, 62, 63, *passim*.

⁴⁰ A manuscript list of peers created from 1673 to 1718 is given in *State Papers*,

The first task was to persuade the king, for the proposed measure involved a considerable diminution of the royal power. This was, indeed, a period of almost visible decline in the king's prerogative, but no such large and immediate surrender had been demanded hitherto except in revolutionary times. Yet no difficulty was encountered. It is very probable, indeed, that George had no clear comprehension of what he was yielding up,⁴¹ nor can it be doubted that the ministry convinced him that a great danger was threatening.⁴² Besides, he was by this time ready to agree to almost anything directed against his son. His concurrence was none the less remarkable, however, and during the following months it was frequently asserted that the present opportunity for passing the Peerage Bill should not be neglected, since the consent of a king might never again be obtained.⁴³ The way being thus made clear, the measure was brought into the house of lords suddenly, near the close of the session. On 28 February the duke of Somerset, representing the continuous and unfortunate increase in the number of peers, proposed that some means should be sought to limit the number. Argyle, Sunderland, and Carlisle supported him. On 2 March came a message from the king consenting to the curtailment of his prerogative.⁴⁴ On 5 March, after a long debate, eleven resolutions were carried as the basis of a bill. The bill was given first reading on 14 March, and second reading two days later. Down to this time there had been no difficulty whatever. Oxford objected to such an abridgement of the king's power, and Cowper protested against the violation of the rights of the Scottish peers, but to no effect. Nevertheless, when the bill came up for third reading on 14 April, Stanhope, declaring that it had been so much misrepresented that it was likely to meet with serious opposition in the house of commons,⁴⁵

Domestic, George I, 13, October 1718. A list of all the sessions of parliament, 1224 to 1718 (*ibid.* November 1718), may have some bearing upon the repealing of the Septennial Act.

⁴¹ In 1715 Bonet wrote: 'Cette ignorance de la langue et des affaires . . . le prive d'une infinité de lumières, ne lui fait voir que l'écorce de plusieurs affaires et confère un grand pouvoir à ses ministres' (quoted by Wolfgang Michael, *Englische Geschichte im achtzehnten Jahrhundert*, i. 440 n.). Onslow says: 'It can only be accounted for by his suffering himself from his want of knowledge of the Constitution ever to be governed . . . by those whom he employed.' *Onslow MSS.*, pp. 509, 510.

⁴² Cf. State Papers, Domestic, George I, 21, April 1720.

⁴³ 'I think we must carry it now or never, since it will probably never happen again that a king and ministry will be for it:' Stanhope to Newcastle, 27 October 1719, Add. MS. 32686, fo. 156. 'The Circumstances of a King concurring and desiring it, will be rare to be found hereafter:' *A Letter From A Member of the House of Commons To A Gentleman Without Doors*, &c., p. 5. Cf. *The Limitation of the Peerage*, &c., p. 3.

⁴⁴ 'He is willing His Prerogative stand not in the Way of so great and necessary a Work:' *Lords' Journals*, xxi. 84.

⁴⁵ Two days before this the marquess of Granby had written to the duke of Rutland, 'I am informed . . . that at a private meeting of the chief Ministers last night

moved its postponement for a fortnight. A few days later parliament was adjourned.⁴⁶

This sudden withdrawal of the bill was caused by the tremendous opposition awakened, and by remarkable manifestations of hostile sentiment. Scarcely a rumour had been heard of the measure until Somerset's motion,⁴⁷ but once the secret was out the bearing of the new bill was discussed everywhere—in the streets, in coffee-houses, and in private conferences.⁴⁸ It was at once asserted that the measure was designed to insult the prince of Wales.⁴⁹ Men declared that a complete change in the constitution was contemplated, a change which could not but subvert the liberties of the English people.⁵⁰ Accordingly a great deal of antagonism began to be aroused.⁵¹ When the news reached Scotland, the suddenness of the proposal carried dismay. Many of the peers, who would of necessity be injured by the scheme, held meetings and prepared remonstrances.⁵² They expressed the utmost abhorrence of their brethren in London who had assented to the measure, and presumed that most of them were to be included among the twenty-five hereditary peers of Scotland now proposed.⁵³ Several petitions were sent to the house of lords, but there they received scant attention.⁵⁴ The public opinion which was now excited was not the opinion of most of the people of Great Britain or relatively of any great number of them. There was nothing like the popular outburst witnessed during the trial of Sacheverell,

it was resolved to send it down to us to take its fate. The House is extremely angry with it, and undoubtedly will throw it out the first day. I am told several members have talked of bringing a pan of charcoals into the House to burn it, others sending for a pair of shears to cut it: ' *Rutland MSS., Hist. MSS. Comm., 12th Report, app., part v, p. 193.*

⁴⁶ *Lords' Journals*, xxi. 83, 84, 86, 87, 89, 90, 100, 102, 130; *Parl. Hist.* vii. 589-94.

⁴⁷ Cf. *Portland MSS.* v. 578, 580.

⁴⁸ *A Letter From A Member of the House of Commons To A Gentleman Without Doors, &c.*, p. 6. 'The bill . . . is at present the Subject of every Conversation: ' *The Moderator*, i. 5.

⁴⁹ *The Patrician*, ii. 8.

⁵⁰ Edward Harley, junior, to Abigail Harley, 1 March 1719, *Portland MSS.* v. 578; *A Letter From A Member*, p. 3.

⁵¹ Even a supporter of the bill confessed 'It made its Entry into the World with a general Dislike, each Man heartning up and encouraging his Friend or Neighbour in Sentiments averse to it: ' *A Letter From A Member*, p. 3.

⁵² 'This day all the Lords who were in Edinburgh met at the Earl of Ruglen's odgings, and very heartily signed both addresses: ' Lord Balmerino to the earl of Oxford, 13 March 1719, *Portland MSS.* v. 579; cf. 580, 581, 582. It was asserted that some of the opposition in Scotland was created artificially: *Six Questions, Stated and Answered, &c.*, p. 19.

⁵³ 'Your Lordship cannot doubt but every Peer here has the present design in detestation, except such as expect to be of the twenty-five: ' Lord Balmerino to the earl of Oxford, 13 March 1719, *Portland MSS.* v. 579. Cf. *The Weekly Journal*, 7 March 1719.

⁵⁴ 20 March and 6 April, *Lords' Journals*, xxi. 108, 119; cf. *Portland MSS.* v. 581.

or when the excise scheme was discussed in 1733. It was not as yet possible to arouse great masses of men except on questions of religion or taxation. The franchise was limited to a few, and the majority had no great share and little interest in political and constitutional matters. It is none the less true that among those who were interested in government—the freeholders, the lawyers, the country squires, the office-holders, and the pamphleteers, a class comparatively small, but larger in England at this time than anywhere else in the world—there was prodigious interest and excitement. In this sense it may be said that public opinion was aroused as it had seldom been aroused before.

The hostility was first manifested in the press. In political affairs newspapers were at this time allowed to take but little part, so that in them only the barest mention can be found, with occasional criticism in the most daring of the opposition sheets.⁵⁵ But whatever was lacking here was made up by the activity of the pamphleteers. Seldom has so much able political writing been done about one measure in so short a time.⁵⁶ The attack was opened on 14 March by Sir Richard Steele with *The Plebeian*.⁵⁷ Almost at the same time appeared *The Thoughts Of A Member Of The Lower House*, by Sir Robert Walpole, one of the best things which he ever published.⁵⁸ This pamphlet was answered by Addison in *The Old Whig*,⁵⁹ and by *The Patrician*, usually ascribed to Lord Molesworth.⁶⁰ For nearly a month furious warfare was waged between *The Plebeian* and *The Patrician*,⁶¹ while at the same time Addison⁶² and Steele carried on a conflict in which raillery and sneering brought their long friendship to

⁵⁵ Cf. *The Weekly Journal*, 7 March 1719; *The Daily Post*, 1 December 1719; *The Weekly Medley*, 19 December 1719.

⁵⁶ The best collection of these pamphlets is that in the Hope collection in the Bodleian Library, Oxford, no. 766. It bears the manuscript title: 'A Collection Of all the Periodical Tracts on the Question of the Peerage in 1719.' Some annotator, apparently a contemporary, has in a number of instances written down the days on which the several pamphlets appeared. These dates are added in our references within brackets. There are a few, however, in the British Museum not to be found in this volume. With the exception of one pamphlet, 'Written by Mr. Asgill,' all of this writing was done anonymously, but in most cases the authorship was known.

⁵⁷ *The Plebeian*. To be continued Weekly. No. I. *Considerations upon the Reports relating to the Peerage. By a Member of the House of Commons*, 4th edition, London, 1719. It has been suspected that this was really the first edition.

⁵⁸ *The Thoughts Of A Member Of The Lower House, In Relation to A Project for Restraining and Limiting the Power of the Crown in the future Creation of Peers*. 4th edition, London, 1719. [17 March.]

⁵⁹ *The Old Whig*. Numb. I. *On The State of the Peerage. With Remarks upon the Plebeian*. 2nd edition, London, 1719. [19 March.]

⁶⁰ *The Patrician*. To be continu'd Weekly. No. I. *Being Considerations on the Peerage. In Answer to the Plebeian. By one who is neither a Knight, nor a Member of the House of Commons*. London, 1719. [21 March.]

⁶¹ *The Plebeian*, No. II, 28 March; No. III, 30 March; No. IV, 6 April. *The Patrician*, No. II, 28 March; No. III, 4 April; No. IV, 11 April.

⁶² The second and last number of *The Old Whig* was published 2 April.

an end.⁶³ This was the more pathetic since the break came in the last days of Addison's life. The contest of periodicals was heightened by *The Moderator*,⁶⁴ by Sir Robert Walpole, who returned to the attack,⁶⁵ by Lord Molesworth,⁶⁶ and by the earl of Peterborough.⁶⁷ During this time the controversy widened: new pamphlets appeared against the bill,⁶⁸ but, because the attack had at first been much more successful than the defence, a larger number in support of it.⁶⁹ Since some of these tracts went through several editions, it is probable that they were widely circulated. That the opposing writers sought to attract all the attention possible is shown by the large number of newspaper notices and advertisements, calling attention to publications which had appeared, and even announcing the appearance of future ones.⁷⁰

Those who argued for the bill declared that there had been a great and undesirable enlargement of the house of lords. At

⁶³ Cf. Johnson, *Lives of the Poets*, ii. 365, 366, ed 1783.

⁶⁴ *The Moderator*. Numb. I. To be continued Occasionally. *The Arguments for and against such a Bill as is talked of for Regulating the Peerage, fairly Stated. With Some Reflections upon the Whole. By a Member of Parliament.* 2nd edition, London, 1719. Favouring the bill with amendments. There was also a folio broadside advocating the measure: *The Moderator In The Present Controversy relating to the Peerage Bill.* London, 1719. *The Moderator's Reasons Against the Peerage-Bill, Examined, and Answered*, London, 1719, appeared in opposition.

⁶⁵ *Some Reflections Upon A Pamphlet, Called, The Old Whig. By the Author of The Thoughts of a Member of the Lower House.* 2nd edition, London, 1719. [20 March.]

⁶⁶ *A Letter From A Member of the House of Commons To A Gentleman Without Doors, Relating to the Bill of Peerage Lately brought into the House of Lords, &c.* London, 1719. [19 March.]

⁶⁷ *Remarks On A Pamphlet, Entitled, The Thoughts of a Member of the Lower House, in Relation to a Project for Restraining and Limiting the Power of the Crown, in the future Creation of Peers.* London, 1719. [30 March.]

⁶⁸ *The Complicated Question Divided: Upon The Bill now depending in Parliament Relating to Peerage. Written by Mr. Asgill.* 2nd edition, London, 1719 [30 March]; *Farther Reasons Against the Peerage-Bill.* London, 1719. *A Discourse Upon Honour and Peerage. In A Letter From An Elector Peer of Scotland To a Member of the House of Commons.* London, 1719 [2 April]; *The Late Lord Beilhaven's Speeches In The Parliament, Holden at Edinburgh, November 1706. On The Subject-Matter of the Union. Wherein the Peerage of the two Kingdoms of Scotland and England, is consider'd.* London, 1719.

⁶⁹ *Considerations Concerning the Nature and Consequences Of The Bill now depending in Parliament, Relating to the Peerage Of Great-Britain. In a Letter from one Member of the House of Commons to another.* London, 1719 [19 March]; *Some Considerations Humbly offer'd, relating to the Peerage Of Great Britain. By a Gentleman.* London, 1719; *A Supplement To The Papers, Writ in Defence of the Peerage Bill.* London, 1719; *A Letter of Thanks From the Famous Peer-making Projector In the Late Reign; To The Author Of The Thoughts on the Peerage Bill.* London, 1719, attacking Walpole; *Six Questions, Stated and Answered, Upon Which The whole Force of the Arguments for and against the Peerage-Bill, depends.* London, 1719; *The Constitution Explain'd, In Relation to the Independency Of The House of Lords. With Reasons for Strengthening that Branch of the Legislature most liable to Abuse, &c.* London, 1719.

⁷⁰ Cf. *The Daily Courant*, 20, 23, 24 March 1719; *The Flying-Post*, 19, 24, 28 March 1719; *The White-Hall Evening-Post*, 21, 26 March 1719.

the death of Elizabeth there were 59 peers; at the present time 220, despite the fact that 154 peerages had become extinct in the period intervening.⁷¹ So far had the abuse gone that Charles II had declared himself able to make a house of lords favourable to himself by sending his horse-guards among them, while the inglorious peace of Utrecht had been carried only when Anne created twelve new peers for that purpose.⁷² It had often been asserted that the British government consisted of three equal, co-ordinate parts; but the statement was not true so long as the king could always control the lords by increasing their number at will.⁷³ This was not just, since he no longer added to the number of the commons.⁷⁴ The abuse might be expected to go from bad to worse, since the number of peers created to secure a majority must each time be greater than on the occasion preceding.⁷⁵ All the while the power of the spiritual peers would suffer a relative decline.⁷⁶ The reform now proposed did involve a change in the constitution, but greater changes had been effected before, and the result had been good.⁷⁷ If the alteration were made it was not true that the lords would gain overweening power, and the country come to be dominated by an aristocracy.⁷⁸ The house of commons would always be able to maintain its power, since it possessed the right of granting money and levying taxes.⁷⁹ Indeed, the commons would really benefit by the measure, since they would retain within their body men of greatness and wealth who now went into the upper house.⁸⁰ The commons, then, should support the lords in destroying 'the most exorbitant Prerogative of the Crown', especially since the king was not being stripped of power, but was in this case willing to part with it.⁸¹ Finally, it was true that the measure would infringe the agreement with Scotland, but a great reform was more important than the privileges of the northern nobility.⁸² The Scots, besides, laboured under real grievances, which this bill proposed to remove. Their elective peers were not really elected: 'their immediate Generation is from the King and Ministers.'⁸³ They had only the contempt of their English associates, and this they knew full well.⁸⁴

⁷¹ *Old Whig*, i. 6, 7. Cf. *Parl. Hist.* vii. 593.

⁷² Cf. *Patrician*, i. 7.

⁷³ *Old Whig*, i. 1-5, 22.

⁷⁴ *The Limitation of the Peerage*, &c., p. 11; *The Constitution Explain'd*, &c., p. 14

⁷⁵ *A Supplement To The Papers*, &c., p. 27.

⁷⁶ *The Constitution Explain'd*, &c., p. 29.

⁷⁷ *Old Whig*, i. 12, 13.

⁷⁸ *Patrician*, i. 11; *Old Whig*, i. 16

⁷⁹ *Old Whig*, ii. 7.

⁸⁰ *Six Questions, Stated and Answered*, &c., p. 9; *Old Whig*, i. 7.

⁸¹ *Patrician*, i. 10; ii. 7. Since 1603, it was said, three peerages on an average had become extinct every two years; therefore the king might still create many peers: *A Letter From A Member of the House of Commons*, &c., p. 7.

⁸² *Patrician*, i. 9.

⁸³ *Remarks On A Pamphlet*, &c., p. 13.

⁸⁴ 'As these *Scotch* Lords are received with Disgust by the *English* Peerage, so

The opponents of the bill asserted that it would cause a profound and harmful change in the constitution.⁸⁵ In the constitution there were three nicely-balanced parts. Whenever in the past one part had become much more important than the others, disaster had followed.⁸⁶ Under the existing system each part could be controlled by the others: from the king money could be withheld, and his ministers could be called to account; the house of commons could be dissolved; the number of the lords could be increased to overcome their obstruction.⁸⁷ This increase was something that the lords dreaded so much that the necessity of making it was not likely often to arise.⁸⁸ The enactment into a law of the bill now proposed would at once destroy the balance, place the lords above all others,⁸⁹ and make of the government an unmitigated aristocracy.⁹⁰ Then the lords would be a fixed body, with a revenue of more than £1,000,000 a year; the commons with less than half that amount, with brief tenure, and frequently changing in personnel, would be no match for their opponents.⁹¹ Let this bill once be passed, and the lords would never let it be repealed; ⁹² then no minister could ever be called to account; ⁹³ if a deadlock arose between lords and commons, it could only be solved by fighting.⁹⁴ Moreover, the

they sit amongst them with Indignation. As the *English* resent being oblig'd to admit Companions without Freedom, so the Peers of *North Britain* groan under the Burthen of their Dependency: ' *ibid.* p. 14.

⁸⁵ *Plebeian*, i. 3; *Moderator*, i. 18.

⁸⁶ *The Thoughts Of A Member Of The Lower House*, pp. 6-9.

⁸⁷ *Plebeian*, i. 8; *The Thoughts Of A Member*, &c., p. 10.

⁸⁸ 'Their Lordships are too much concerned in the Preservation of their own Dignities, to provoke the Crown to a Remedy that is always at hand: ' *The Thoughts Of A Member*, &c., p. 10.

⁸⁹ 'If this Prerogative is taken away, the House of Lords will be a fixed independent Body, not to be called to an account like a Ministry, nor to be dissolved or changed like a House of Commons. If their Lordships should take it into their Thoughts to dislike the Ministry, and commit them to Prison, I would willingly know who shall fetch them out. Or, if the House of Commons should be so unwary as to give them Offence, and their Lordships think fit to declare they could act no longer in Concert with a Body of Men who had used them ill, it's evident that the Crown must exert its Authority to chuse another more to their Lordships Fancy, and afterwards use its utmost Efforts to keep them in a becoming Complaisance to their Betters. If they should resolve to have all the great Employments of *England* in themselves and Families; or . . . to pay no Taxes themselves, and yet receive the greatest part of what is paid by others in Salaries and Pensions; I would ask the Advocates for such a Law, what recourse the Crown and People have? ' *Walpole, The Thoughts Of A Member*, &c., pp. 10, 11.

⁹⁰ 'Now I am free to own that I think such a Law would be fatal to the Monarchy, and the Liberties of the People, and make our Government Aristocratical . . . and . . . reduce us to the worst Sort of Oligarchy: ' *ibid.* p. 6; cf. *Plebeian*, i. 5.

⁹¹ *Plebeian*, ii. 12, 13.

⁹² *Six Questions, Stated and Answered*, &c., p. 23.

⁹³ *Farther Reasons Against the Peerage-Bill*, p. 15; interesting as showing that the ministry was still conceived as made up of the nobles, or dependent upon them.

⁹⁴ *Plebeian*, ii. 11

measure trenched unwarrantably upon the royal prerogative.⁹ No doubt this prerogative had been abused in the sudden creation of a large number of peers; but this was not likely to happen again.⁹⁶ An effective remedy would be to forbid peers to vote within a certain time of their creation.⁹⁷ Finally, since the bill violated the terms of the union with Scotland, it was certain to awaken great discontent there, and perhaps make necessary the employment of force.⁹⁸ Many of these statements have been often repeated since, but in 1719 they possessed novelty enough to make them forceful and striking. In general it may be said of the literature on both sides that it was earnest and bore the marks of sincerity. Much of it would seem to have made a considerable impression. The advantage, however, lay very largely with the opponents of the bill, who began the attack, and who throughout kept their antagonists upon the defensive. Steele shows to better advantage than Addison; ⁹⁹ Walpole excels any writer on the government's side.

The members of the cabinet realized at once that they had suffered a check; but they were still far from being defeated. After the adjournment of parliament the king went to Hanover, taking Stanhope and Sunderland with him. The letters which they now wrote to their friends at home afford the most definite knowledge existing of their plans and expectations. It is certain that the whig leaders were not dismayed at their failure in the late session of parliament. In August, Craggs, writing to Newcastle, predicted success and looked for the discomfiture of Walpole and his adherents.¹⁰⁰ Some time after Newcastle wrote to Stanhope in the same hopeful vein.¹⁰¹ They had the more reason since, during the summer, foreign affairs had taken so promising a turn that the ministry was at the height of its reputation, and it seemed probable that the winter session would find parliament in a mood unusually complaisant.¹⁰²

⁹⁵ *Plebeian*, i. 6.

⁹⁶ *Moderator*, i. 7.

⁹⁷ *The Thoughts Of A Member Of The Lower House*, p. 15; *Farther Reasons Against the Peerage-Bill*, p. 13.

⁹⁸ *Moderator*, i. 10.

⁹⁹ *The Plebeian* alarmed the government when it appeared: *Patrician*, i. 6.

¹⁰⁰ 'I joyn with your grace in the opinion that we shall at last get the better of all our Enemies, & see that virulent knot of men the most abandon'd to all pretence of principle that in my conscience I ever knew succeed in the indefatigable pains they take to make themselves contemptible to all partys: ' 10 August 1719, Add. MS. 32686, fo. 137. It is said that Craggs was privately much opposed to the bill: *Onslow MSS.* 459.

¹⁰¹ 'The Miscarriage of it the last Year I chiefly attribute to the under hand insinuations of some & the open Opposition of others, whom some People would fancy had, if not the first at least a very great share of Credit. This I think will now certainly be removed, for I think it appears very Plain that our Master places his Confidence, where all Honest Men must wish it, which in my Opinion will go a great way towards making every thing easy: ' 14 October 1719, Add. MS. 32686, fo. 151.

¹⁰² 'We have a very reasonable prospect of seeing a peace both in the South and

Moreover, the king was now obstinately determined that the bill should become law, and more willing than ever to give all the assistance which his ministers required.¹⁰³ During this favourable time, therefore, the leaders in Hanover resolved to bring forward all the measures which they had been considering as necessary to consolidate the whig party, and as likely to give it a long continuance in office.¹⁰⁴ They planned not merely to make themselves permanently secure in the house of lords, but, by repealing the Septennial Act, to give to the existing house of commons also an indefinite tenure of power.¹⁰⁵

This project of tampering with the house of commons is less known now than the scheme of the Peerage Bill, as it was kept more secret then. It is true that the existing house of commons was at times exceedingly troublesome to the ministers, and it caused them a great deal of anxiety; nevertheless, they possessed an actual majority in it, and so far had not failed to control it. In a new house of commons it might be different. Therefore they desired to keep what they had, and as the period of parliament had already been extended from three to seven years, they now proposed to extend it still further. In 1716 a Jacobite wrote that the king wished to prolong parliament's life, and 'would make him immortal if he could'.¹⁰⁶ There was now an added incentive, since Stanhope believed that the commons would accept the Peerage Bill if, in return, they were allowed to hold their own seats for some time to come.¹⁰⁷ As a matter of fact the repeal of the Septennial Act was not really attempted. That it was not was due in part at least to Newcastle. Generally he was lacking in breadth of view and required the guidance of some one else, but in this case he was wise enough to see that his friends were about to do what would certainly cause an overwhelming revulsion of feeling.¹⁰⁸ Far from helping to pass the Peerage Bill it would

the North before next spring; this good situation of affairs will probably putt our friends in good humour at our opening the Parliament: ' Stanhope to Newcastle, 27 October 1719, *ibid.* fo. 155.

¹⁰³ 'When your grace shall see our good master you will learn from himself how much he has at heart not to be baffled a second time in this matter: ' the same, *ibid.* fo. 156; also Sunderland to Newcastle, *ibid.* fo. 149.

¹⁰⁴ Cf. *ibid.* ff. 155, 156.

¹⁰⁵ 'The King is more determin'd than ever, to persist with vigour in the measures you & your friends wish, He is resolved to pass the Peerage Bill, the University Bill, & the repeal of the Septennial Bill, if this won't unite the Wigs, nothing will: ' Sunderland to Newcastle, 22 October 1719, Add. MS. 32686, fo. 149.

¹⁰⁶ *Stuart Papers*, ii. 98.

¹⁰⁷ Add. MS. 32686, fo. 155.

¹⁰⁸ 'I must own My Dear Stanhope I am not of the same Opinion as to the Repeal of the Septennial Bill, for I think we shall evidently lose much more by it than we can possibly get. . . . Towards the Close of the last session there was a great many ill Humours shewing, & should this Parliament be continued beyond its time nobody knows in what shape they may appear: ' Newcastle to Stanhope, 14 October 1719, Add. MS. 32686, ff. 151, 152.

certainly make such a thing impossible, and it would as certainly awaken great distrust of the king and his ministers.¹⁰⁹ Nor was it necessary, since the ministry would undoubtedly be able to obtain a parliament even more favourable than the present one when the time came for new elections.¹¹⁰ With some reluctance Stanhope was brought to this view, and the project was given up.¹¹¹ As late as 1722, however, the scheme was being talked of, and was then causing some concern in the country.¹¹²

The reform of the house of lords was, however, once more taken up in earnest when the king returned from Hanover in the autumn. Since the ministers believed that a second failure would destroy all chance of success for the present,¹¹³ they went to work with vigour and expedition. Already they had been busy granting favours to win support; ¹¹⁴ they now threatened and harassed their opponents.¹¹⁵ It was at once arranged that the king should recommend the bill in his speech, and that the bill should be re-introduced into parliament during the first week of the session.¹¹⁶ The houses were opened on 23 November. 'I hope,' said the king, 'you will think of all proper Methods to establish, and transmit to your Posterity, the Freedom of our happy Constitution; and particularly to secure that Part which is most liable to Abuse.'¹¹⁷ Two days later Somerset again presented the bill, and it was read for the first time. On 30 November it passed the lords, and was sent down to the house of commons.¹¹⁸ The crisis of the struggle had now come, and it seemed that the ministry was at the goal of its triumph. Notwithstanding the vigorous opposition which had been made on the streets, it was felt from the first that there was little hope of defeating the king's advisers. They 'never have hitherto been disappointed of anything they attempted', wrote the earl of Eglington.¹¹⁹ Such, indeed, was the feeling of the whig majority in the house of commons; ¹²⁰ many of whom, besides, had been won over by adroit references to the peace of Utrecht and Anne's twelve peers.¹²¹ Might not some future act of this kind entirely destroy the establishment which they had so painfully created? Therefore Sunderland could feel that the fight was won, since the only serious opposition must now come from men who were undecided, disheartened, and divided among themselves.

¹⁰⁹ Add. MS. 32686, ff. 151, 152. ¹¹⁰ *Ibid.* ff. 152, 153. ¹¹¹ *Ibid.* ff. 155, 156.

¹¹² 'An Essay Upon Parliaments,' in State Papers, Domestic, George II, fo. 149.

¹¹³ Stanhope to Newcastle, 27 October 1719, Add. MS. 32686, ff. 155, 156.

¹¹⁴ Cf. *A Letter From A Member of the House of Commons*, &c., p. 4.

¹¹⁵ Cf. Coxe, *Walpole*, ii. 170.

¹¹⁶ Sunderland to Carlisle, 18 November 1719: *Carlisle MSS.*, *Hist. MSS. Comm.*, 15th Report, app., part vi, p. 23.

¹¹⁷ *Ibid.* pp. 168, 170; *Parl. Hist.* vii. 606-9.

¹¹⁸ 19 March 1719, *Portland MSS.* v. 580.

¹¹⁹ *Onslow MSS.*, p. 459.

¹²⁰ *Ibid.* p. 458.

In spite of all this the bill was rejected. In defeating it the chief part was taken by Walpole, who on this occasion displayed political sagacity and qualities of leadership as great as ever he showed afterwards in the days of his ascendancy. He attended a meeting of some of the most considerable of the whigs at Devonshire House, where their policy in the house of commons was to be decided. Few were inclined to make any further resistance, until Walpole asserted vehemently that here was indeed an excellent opportunity to defeat the ministry.¹²² He had chanced to overhear, he said, a country gentleman of small property declare that even though he himself could not go into the house of lords, he was not willing to take from his descendants all chance of entering it; and this feeling, he continued, must be latent among the country squires, who could therefore be roused to active opposition. So confident was he that, when the meeting broke up, it was decided that such should be the method of attack, and that the Peerage Bill should be resisted.¹²³

On 1 December the bill was brought from the lords to the commons: 'An Act for settling the Peerage of Great Britain.' On the same day it was read for the first time, and its supporters tried hard to put it through the second reading also; but this was postponed for a week.¹²⁴ On 8 December, in a crowded house, the matter at last came to issue. That day the arguments which had done so much service in the pamphlets and in the street were marshalled against each other in debate. Steele declared that the scheme would change England from a free state into an aristocracy.¹²⁵ Thomas Pitt proclaimed that it was an attack upon English liberties, and was due to obsequiousness to foreigners.¹²⁶ Sir John Pakington said that the commons, always faithful to the ministry, were now to be rewarded by complete exclusion from the peerage.¹²⁷ Hampden retorted that the measure would make the lords less strong than before,¹²⁸ while Craggs argued that the king was so convinced of the evil of the present conditions that he desired to surrender his own prerogative.¹²⁹ For hours the speaking continued; then at last Sir Robert Walpole arose. In a splendid oration, which was remembered long afterwards, he declared that the proposed bill removed one of the most powerful incentives in English political life when it debarred, as it actually did, commoners from the house of lords. This he stated with emphasis, with repetition, and with elaboration of rhetoric. He added that the measure was brought forward for no good purpose: only the lords could gain by it.

¹²² *Onslow MSS.* p. 459.

¹²⁴ *Commons' Journals*, xix, 177, 178; *Parl. Hist.* vii. 609.

¹²⁵ *Parl. Hist.* vii. 609.

¹²⁶ *Ibid.* p. 616.

¹²⁸ *Ibid.* p. 618.

¹²³ *Ibid.*

¹²⁷ *Ibid.* p. 617

¹²⁹ *Ibid.*

The present ministry was strong in the house of lords ; was it not evident that they designed to make their control permanent ? Supposing that the king had consented, was there any doubt that he had been deceived ? This bill to reform the peerage was a dangerous thing, since it would destroy the balance of power and alter the constitution.¹³⁰ Walpole ' bore down everything ', says a contemporary.¹³¹ It was in vain that Aislachie answered that even Magna Carta and Habeas Corpus had altered the constitution.¹³² About eight o'clock in the evening the proposition to commit the bill for amendment was voted down by 269 to 177.¹³³ Then, in their hour of triumph, the opposition moved, and it was resolved without division, ' That the Bill be rejected. ' ¹³⁴ As showing the interest which existed outside parliament, there appeared shortly afterwards a ' List of the Members who voted for and against the Peerage Bill ' .¹³⁵

In this manner did the ministry go down to defeat, and so the attempt to limit the number in the house of lords ended in entire failure. It has been thought that the attempt might have been repeated, and there is some evidence that this was contemplated. In 1720 a pamphleteer resumed the argument for limitation, and declared that such a reform was opposed only by Jacobites, tories, malcontents, and the disappointed.¹³⁶ On the basis of a letter from Craggs to Stanhope it has been believed that even Walpole was ready to withdraw his opposition.¹³⁷ However this may be, Sunderland was soon driven from power, and his associates were so engulfed in the whirlpool of the South Sea disaster that their earlier plans were entirely abandoned. As to the motives which influenced Walpole in the course which he followed, one cannot arrive at a positive judgement. No doubt he desired to harass the ministry, whom he had been so actively opposing ; but he had recently shown that he was not willing to sacrifice his principles to this opposition. It was said at the time that he wished to obtain a peerage for himself, and so fought against a measure which would have excluded him ; ¹³⁸ but during the twenty-one years of his power, which came soon after this episode, he could never be brought to leave the house of commons. Without laying too much stress upon the principles of the statesmen of this period, one may believe that Walpole opposed the Peerage Bill chiefly through principle, and because he believed it unwise. Such a statement is not susceptible of proof ; but it is highly probable that a man, who

¹³⁰ *Parl. Hist.* vii. 618-23.

¹³² *Parl. Hist.* vii. 624.

¹³⁴ *Ibid.* ; *Parl. Hist.* vii. 624.

¹³⁶ *The Limitation Of The Peerage, The Security of the Liberties of the People of England*, London, 1720.

¹³⁷ Mahon, *History of England*, i. 548.

¹³¹ *Onslow MSS.* p. 459.

¹³³ *Commons' Journals*, xix. 186.

¹³⁵ *Parl. Hist.* vii. 624-7.

¹³⁸ *Portland MSS.* v. 580

through so many years afterwards did so much to develop a constitutional government depending upon the house of commons, was unwilling to see ascendancy given in perpetuity to the house of lords.

The attempt to pass the Peerage Bill is very instructive from a constitutional point of view, revealing, as it does, certain characteristics of the government then existing, which were destined later to be changed. Throughout the struggle the ministry is both legally and actually the king's ministry. Dependence upon the house of commons is not very real and not very great. The votes of the majority in the commons are not necessarily governed by the ministry. The peerage measure was introduced into the commons not because the whig majority there was known to favour it, but because the ministry believed that it would be able to create or obtain a majority for it. Ministers showed themselves zealous in advancing a measure designed to exalt the lords at the expense of the commons, and, when they suffered a crushing defeat, they did not find it necessary either to resign or to call for new elections, nor did the king find it expedient to dismiss them. Except as regards the measure rejected, they suffered through their defeat no diminution of power whatsoever.

Had the Peerage Bill become law, probably the sinister results predicted by Walpole and by Steele would have come to pass. It may be, indeed, that the government would have become an aristocracy, with the upper house of parliament unassailable and supreme. Under such conditions there could have been no Reform Bill of 1832, no Parliament Act of 1911. It may well be that such changes would have come after all, but they must then have been the result not of constitutional amendment but of some such cataclysm as began upon the continent of Europe in the years after 1789.

EDWARD RAYMOND TURNER.

The Old Sepoy Officer

THE large share taken by Indian soldiers in the British conquest of India renders it a matter of some historical interest to ascertain the exact nature of their services, more especially as erroneous statements on this subject have appeared in the works of various writers. To state the case as shortly as possible, it may be said that from its very first organization in battalions the leading, command, and discipline of the Indian army were entrusted to Europeans, and the native Indian soldier was restricted to service in the rank and file and the lower grades of officers.¹ This will be clearly seen if we can ascertain what was the exact position of sepoy officers holding the highest rank to which they could aspire in the army of the East India Company. As the Company's armies in Bengal and Madras were organized about the same time and much on the same lines, what holds good of one may be accepted as fairly accurate in regard to the other, and so, as being more convenient, I will limit my remarks almost entirely to the Madras native army.

¹ Previously to this organization, though the sepoy companies were independent, they were, when acting together, sometimes placed under a native officer. In 1753 Maskelyne wrote to Clive that Lawrence had placed his old favourite 'Shaikgee' in command of three companies of sepoys (Orme MSS. O.V. 288); and, besides the two officers mentioned by Colonel Wilson, Orme notes (*History*, i. 391) that Jamal Sahib was left in command of 1,000 sepoys at Madura in 1755. In a journal kept by one of Clive's relatives of the expedition to Bengal (Hill's *Bengal in 1756-7*, iii. 30) one Kessar (Kirza) Singh is referred to as 'Commander of the Sepoys', but in the military return given in Wilson's *Madras Army*, i. 373, it appears that he was subadar of one of the fourteen companies of sepoys which Clive took from Madras; and when in 1757 Clive organized a force of Bengal sepoys he considered it absolutely necessary to give them English commissioned and non-commissioned officers (Broome, *Bengal Army*, p. 92). Another instance is that of 'Mooten Beg', possibly the same as 'Moodeen Saib', a Bengal subadar in the same list, whom Eyre Coote placed in command of his 500 sepoys when he attacked Cutwa Fort on 19 June 1757, and whom he sent with two companies in advance in pursuit of Law. Broome (*Bengal Army*, p. 211) says that Francis Forde, in his expedition to Masulipatam, took two battalions of Bengal sepoys commanded by British officers and one of Madras sepoys commanded 'as usual' by a native officer, but we find in the battle of Condore that the Madras sepoys were divided equally between the two British officers. Lastly, in his letter of 19 April 1759 (Wilson's *Madras Army*, i. 130), reporting his capture of Masulipatam to the Madras council, Forde mentions the death of 'Moideen Beg, my commandant of Sepoys'. In fact at this time the word commandant can have meant little more than the senior native officer present on any occasion.

The highest rank to which a native officer could rise in this army was that of commandant in a battalion of sepoys or of native cavalry, and the impression that this term was equivalent, as it was later in the case of European officers, to 'commanding officer' is possibly the chief cause of the mistaken idea that in old times the native officers of the Company were able to rise to really high positions. Some support for this supposition may, however, have been found in a statement by Robert Orme that

the Sepoys were formed into Companies and Battalions and commanded by officers of their own nation and religion.²

But this is incorrect as regards the battalions, which had not been formed when Orme left India, and it is probable that Orme, when about to publish his history, inserted the words 'and battalions' in order to bring his account up to date, without noticing that they rendered the remainder of the sentence incorrect.

The mistake thus set afoot was amplified by Sir John Kaye, who, speaking of the earliest sepoy levies, writes :

Under native commandants, for the most part Mahomedans or high-caste Rajpoot Hindoos, but disciplined and directed by the English Captain, their pride was flattered and their energies stimulated by the victories they gained. How they fought in the attack of Madura, how they fought in the defence of Arcot, how they crossed bayonets, foot to foot, with the best French troops at Cuddalore,³ historians have delighted to tell. All the power and all the responsibility, all the honours and rewards were not then monopolised by the English Captains. Large bodies of troops were sometimes despatched on hazardous enterprises under the independent command of a native leader, and it was not thought an offence to a European soldier to send him to fight under a black commandant. That black commandant was then a great man in spite of his colour. He rode on horseback at the head of his men, and a mounted staff-officer, a native adjutant, carried his commands to the Soubahdars of the respective companies. And a brave man or a skilful leader was honoured for his bravery or skill as much under the folds of a turban as under a round hat.⁴

² *History*, 4th edition, i. 80.

³ It is not clear to which attack of Madura Kaye refers. The most celebrated attacks, all of which failed, were that by Captain James Cope in 1751, those by Captain John Caillaud in 1757, and above all the attempt to storm the town made by Major Charles Campbell on 26 June 1764. Clive's defence of Arcot took place in 1751. As regards Cuddalore Kaye probably refers to the fighting between General Stuart and Bussy on 25 June 1783. Colonel Mark Wilks writes (*History of Mysoor*, ii. 441) : 'The bayonets of the sepoys of Bengal mingled with eminent success among those of the French regiment of Aquitaine.' Without questioning the accuracy of this statement I would mention that in General James Stuart's letter to council of 25 June, after saying 'From what I can collect of the prisoners, the troops engaged were of their best sort: the Regt. of Aquitaine, and another old Corps, besides Volunteers from all the other Corps and two Battalions of Sepoys', he only adds, 'Our people behaved wonderfully well and the Sepoys mixed theirs with the French bayonets. Nothing could exceed their steadiness.'

⁴ *History of the Sepoy War in India*, i. 204.

Passing over as of slight importance such minor inaccuracies as the mention of a native commandant at the defence of Arcot, which occurred in 1751, whereas the first commandant, Muhammad Yusuf, did not attain that rank until 1754, or the description of the commandant as a mounted officer, which was true only in reference to the commandants of the native cavalry regiments, the above paragraph is wholly misleading. Whatever the honour paid by brave men to bravery and skill, independent of race or colour, the fact remains that neither in honours nor rewards, neither in rank nor salary, were the native or Indian officers ever placed on an equality with the European.⁵ It was only with the greatest difficulty that French and German officers in the Company's service could maintain discipline amongst the English soldiers, and native officers would have found it impossible.

The real position of the native commandants, and, consequently, that of all subordinate native officers, is correctly stated by Colonel W. J. Wilson :

It is true that important services were performed by the native battalions but . . . they never fought under native leaders, but were commanded by European officers from the time of their first formation in 1758-9. At that time the establishment of officers was fixed at two subalterns, three Sergeants-Major and one 'Black Commandant' for each battalion, the latter being made expressly subordinate to the European Commissioned officers, and not only this but the discipline and more immediate direction of the companies was entrusted to the Sergeants-Major. . . . Native Commandants, with a few exceptions, never held any separate commands of importance after the formation of battalions, and in cases where they did hold such commands, as in that of Mahomed Yusuff and subsequently in that of Syed Ebrahim, it was not over the regular troops but either over levies raised by themselves or over local corps. Between 1752 and 1759 many important services were rendered by the independent⁶ companies under native officers, but on the other hand several instances of misconduct on their part occurred during the same period, and it appears from the reports of some of the best officers in the Service, as well as from the orders of Government, that the discipline of the Sepoys under the exclusive control of native officers was of the most lax description. In September 1757 Captain Joseph Smith,⁷ commanding at Trichinopoly, applied for an Adjutant for the special purpose of enabling him to maintain discipline amongst the Sepoys at that Station, and, during the defence of Fort Saint George, it was found necessary to supersede the native

⁵ The extreme jealousy with which the English regarded any attempt to place Europeans under the orders of natives of India is shown by the fact, shrewdly noted by Law of Lauriston, governor of Pondicherry, 1765-77, that when any detachment from the British forces was sent to the assistance of a native potentate, the officer commanding the detachment did not place his services at that prince's disposal, but as a matter of right, assumed command of the whole army (*État politique de l'Inde*, p. 147).

⁶ By 'independent' is here meant 'not grouped in battalions'.

⁷ See below, p. 280, note 73.

Commandant ⁸ by Lieutenant Tod.⁹ It was in consequence of this inability on the part of the native officers, either to introduce or to maintain discipline that Government came to the determination of forming regular battalions from the independent companies and of placing them under European officers. . . . As it has already been explained that the native Commandants were subordinate even to the European subalterns, it is only necessary to mention that their allowances were by no means large. At the time of the creation of the appointment in 1759 the pay and allowances were fixed at Rupees 134 per mensem, viz. pay as Subadar 60, allowance as Commandant 54 and *batta*¹⁰ when in the field 20. In 1766 these items were reduced to 59½, 52½, and 15 respectively, making a total of Rupees 127 per mensem, which rate continued until 1785, when the appointment was abolished.¹¹

It may here be noted that the European officers attached to the native battalions drew handsome annual allowances, namely, captains, rupees 2,000, subalterns, rupees 500. These allowances, with their pay and *batta*, placed the European officers in a far better pecuniary position than the commandant.

Again, as regards the issue of commissions, whilst these were uniformly made out for the European officers, this was not the case with the native officers. It is true one was made out in 1754 for Muhammad Yusuf as commandant of *all* the Company's sepoys, but his was a very different appointment from that of the battalion commandants. In 1760 we find Sir Eyre Coote complaining to the council at Madras that no commissions had been drawn out for the three commandants of sepoys who were serving with him, viz. Jamal Sahib, Bhuwan Singh, and Mir Muhammad, and council then decided that commissions should be made out not only for the commandants but also for the subadars. This order, however, was somewhat neglected, for in 1764 council had to call upon the officers commanding sepoy battalions to submit lists of commandants, subadars, and jemadars for the preparation of their commissions. Apparently after this date commissions for these native officers were regularly issued.

Passing now to the rewards of service, the chief of these were naturally the pensions granted to both natives and Europeans, and the amount of these was not ungenerous, especially in the case of the native officers, whose pensions were often continued to their widows and orphans, but as the rate of pension was

⁸ Jamal Sahib, next to Muhammad Yusuf the chief native officer in the service of the English Company.

⁹ Charles Tod, entered the army 7 June 1755.

¹⁰ *Batta* is a special allowance given as compensation for loss or hardship.

¹¹ *History of the Madras Army*, ii. 367-9. As Colonel Wilson's references are easily traceable in the records, I quote generally from his history as being more readily accessible and at the same time absolutely trustworthy. In Bengal the commandants were abolished in 1781 (Williams's *Bengal Native Infantry*, p. 195).

based on the rate of pay the amount was nothing extraordinary.¹² A greater attraction to the military service at this time was, however, to be found in the chance of earning prize-money when any town or fortress was taken from the enemy. I have not been able to find any definite rules on this subject; but, as the military were extremely jealous in asserting their rights, it is probable that the proportions observed in one case were observed without much modification in all. In 1771 when General Smith was about to march against Tanjore, the Nawab proposed to pay the army a fixed sum in lieu of the plunder of the place. The amounts to be received by the officers attached to the native battalions were as follows :¹³

Captains	2,000 pagodas.
Subalterns	1,000 "
Sergeants	40 "
Commandants	100 "
Subadars	50 "
Jemadars	15 "
Havildars	8 "
Naiks	6 "

In the division of prize-money for the campaigns of 1790, 1791, and 1792, when commandants had been abolished, the share of a subadar was only £27 12s. against a sergeant's £29 3s. 6d. and an ensign's £154 14s. 6d.¹⁴ It is evident that the spoils of war were not divided between the European and native officers even in the same proportion as government had fixed their pay. It should, however, be mentioned that the native troops on various occasions received small rewards in money and in cloth.

At this time the usual method of recognizing valour was the grant of a medal, ring, or sword, and in the case of a native soldier or officer a medal or a palanquin allowance. The first native officer in Madras to receive a medal for valour was Mir Munsur in 1753,¹⁵ but this honour was not valued half so highly as the palanquin allowance, which was gradually increased from 10 to 20 pagodas¹⁶ and was usually continued to a native officer when he had retired, in addition to his pension. As the latter

¹² *History of the Madras Army*, iii. 86. In ii. 136 n. Wilson points out that retiring pensions to European officers were not granted until 1796.

¹³ See *Madras Military Consultations* for 28 October 1771, and also Wilson's *Madras Army*, i. 299, where it is stated that in 1773 the amount offered for the commandants was 200 pagodas, for subadars 100, for jemadars 20, and for havildars 10, that for the Europeans remaining the same.

¹⁴ Wilson's *History of the Madras Army*, ii. 233.

¹⁵ *Madras Military Consultations*, 5 November 1753.

¹⁶ *Ibid.*, 28 December 1767 for the lower rate, and Fort St. George, General Order, 12 November 1811, for the higher.

was only 14 pagodas¹⁷ there were substantial reasons for the preference, but when 'Moodeen Sahib', commandant of the 14th battalion, was offered the choice of a medal or a palanquin allowance in recognition of his good conduct during the defence of Ambore in 1767, he explained to the Madras council his preference for the latter on the ground that

a palanquin is looked upon by the Moors as a great thing, and therefore will be a more distinguishing mark of your rewarding merit, as it will be seen and known by everybody on what account it is given, whereas the medal would only be seen by a few friends.¹⁸

So much was this honour appreciated that it was bestowed not only on infantry officers but also on cavalry officers.¹⁹

It is clear, therefore, that at no period in the history of the Indian army was the native officer ever placed upon the same footing as the European, and so it may be of interest to trace the reasons which actuated the English in thus limiting the career of the native soldier. To do this we must first consider how the necessity for creating a Europeanized Indian army came into existence. It is said that the idea of establishing a European empire in India originated with Dupleix and was taken from him by the English, but Dupleix himself may well have taken it from the Portuguese, whose empire in India, though already in a state of decadence, had once promised a glorious success.²⁰ It would probably be more correct to say that the efforts of Dupleix forced the English to establish themselves as an independent power in a country in which they had only desired to trade, as the sole means of protection against the commercial rivalry of other Europeans and against the tyranny and caprice of the native princes. One of the main objects of the Portuguese was the spread of their religion. Dupleix appears to have thought only of the provision of revenue. When, therefore, he sought for the cheapest means of giving effect to his project²¹ it was

¹⁷ Wilson's *Madras Army*, ii. 181-2. Apparently native officers were pensioned only when entirely unfit for service of any kind, otherwise they continued to do duty as invalids. The pay of a commandant in the invalids was 27 pagodas.

¹⁸ Letter from Captain Calvert to council, 21 December 1767.

¹⁹ For instance, to Commandant Muhammad Zumma, 1st Native Cavalry: see *Madras Military Consultations*, 13 June 1786.

²⁰ That I may not appear to depreciate the ability of Dupleix I would refer the reader to Dupleix's own description of his policy in his *Mémoire contre la Compagnie des Indes*, pp. 208-10, in which he says that it always appeared to him that in trying to establish French commerce in India the Company could not do better than follow the example of the Portuguese, English, and Dutch, all of whom had tried and were trying to obtain 'terrains' in India. 'Let one', says he, 'recall the progress, and the circumstances of the decadence of the commerce of the Portuguese in India, and one will see that the Portuguese declined only as the Dutch deprived them of the revenues which they drew from their landed possessions in India.'

²¹ In his *Réponse à la lettre du Sieur Godeheu* dated Paris, 20 October 1763, Dupleix says (p. 94) that sepoys were unknown on the eastern coast of India before the siege

natural that the idea of a native in place of a European army should suggest itself, and this idea would naturally be approved and adopted by so businesslike a people as the English.

But the dreams of Dupleix and other patriotic Frenchmen were shattered by the English capture of Pondicherry in 1761, before the French had fully developed their idea of a new-model native army, or even decided what share in it they would allot to the natives of the country, i.e. whether they would confine them to the lower ranks or admit them on terms of equality and train them to independent command. Some of their native officers were men of ability and distinction. One of these, 'Shaikh Hussan' or 'Hassan Ally', whom Orme²² calls the commandant of the French sepoys, and who was honoured by the French king with a gold medal for gallantry, was considered to be a formidable enemy, but when he was captured by the English at Seringham in 1752, though Major Lawrence declined to hand him over to the Nawab, Muhammad Ali, who would probably have hanged him as a rebel, it was with great difficulty he was induced to treat him as a French officer, in spite of the commission he was said to hold from the king.²³ It is evident, then, if the chief native officers in the French service did not hold ordinary commissions, that the French either did not intend to give high command to natives of the country or had not yet fully considered the question.

At this time the English sepoy forces consisted of independent companies under the general control of the English officer commanding the force with which they were acting. These companies were nominally commanded by native officers—subadars and jemadars, who corresponded roughly to captains and lieutenants—but really commanded by European sergeants and corporals, who were responsible for the drill and discipline, and who often took command of small parties of sepoys on detached duty.²⁴ But

of Madras by the French in 1746, when 300 of them were brought from the Malabar coast. He does not, however, say that they were brought at his own suggestion, but he says that on 1 October 1755 there were 3,418 in the French Company's pay at Pondicherry. As Dupleix was governor of Pondicherry from 1742 to 1754 I think the assumption made in the text is justifiable.

²² *History*, i. 305, 317. In his letter of 21 October 1748 to the French Company, Dupleix has much to say in reference to the courage and good conduct of Shaikh Hussan and his brother Shaikh Ibrahim during Boscawen's siege of Pondicherry, and recommends that they should be granted commissions as commandants-in-chief by the king of France as well as medals (Nazelle's *Dupleix*, p. 340).

²³ Orme MSS., India, ii. 483-6, and *Madras Military Consultations*, 15 June 1752.

²⁴ The *Military Consultations* of 1755 mention two sergeants, Rose and Gould, in command of small bodies of sepoys. Such sergeants drew an extra 20 rupees a month by an order dated November 1755 (Wilson, *Madras Army*, i. 125). In 1757 Sergeant Lamberton in command of two companies of sepoys beat off a strong detachment under M. Saubinet at Conjeveram. In 1759 Sergeant-Major Hunterman won a commission by his gallantry at Thiagar, where he commanded three companies

in 1753-4 Major Lawrence found it convenient to place all the sepoy companies, which were employed in covering the communications of his army at Trichinopoly, under the command of a single officer. The man he chose was a certain Muhammad Yusuf, better known as Yusuf Khan or the Khan Sahib. So well did he do his duty that, in 1754, the Madras council, at the Major's suggestion, gave him a commission as commandant of all the sepoys in their service. Somewhat later they sent him, with only a few companies of trained sepoys but with permission to raise as many more as he found necessary, to reduce to order the provinces of Madura and Tinnevely, the revenue of which he was to pay to the English in liquidation of the Nawab's²⁵ debt. This work he performed successfully and faithfully, but though he had in his force a number of European sergeants, surgeon-assistants, gunners, and artificers, he never had at any time subject to his orders a single British subaltern, whilst particular instructions were given him as to his behaviour to his Europeans and he was directed to obey any orders which he received from the captain in command at Trichinopoly. A little later Yusuf Khan did such good service in harassing the army of Lally when the latter besieged Madras in 1758-9, that the council of Madras compelled the Nawab, who hated Yusuf Khan for his ability and independent spirit, to appoint him governor of the above-mentioned two provinces which had relapsed into disorder during Yusuf Khan's absence. All went well as long as the revenue was paid into the British treasury, but in 1762, with almost incredible folly, the council informed

of sepoys. In 1760 Sergeant Somers with two companies of sepoys defeated two companies of French sepoys near Devicottah, taking four officers prisoners. Broome tells us (*Bengal Army*, p. 112) that the independent sepoy companies formed in Bengal about 1758 for local purposes were generally placed under the command of a sergeant. On the other hand, in a letter from M. de la Villebague (*Mémoires du Sieur de la Bourdonnais*, p. 29) it is stated that after the capture of Madras the Nawab's troops under Mahfuz Khan were assisted by the Naynard (? Nayanar, Tamil for lord or master) or Grand Prévôt des Troupes Asiatiques des Anglais. It would appear, then, that it was not until after the siege of Madras in 1746 or even later that the English began to make use of European non-commissioned officers to discipline the sepoys. The first mention I can find of a sergeant attached to a sepoy company is in the *List of the Peons, Sepoys, Arabians, and Horsemen in Fort St. David, January the 31st 1748/9*, where one is attached to the company of Arabian sepoys under 'Meir Munsuh'. As his name is not given it is not absolutely certain that he was a European. The first definite mention of a European sergeant in a sepoy company appears to be that of the Englishman who led the assault on Weycondah 26 September 1753. (Orme, *History*, i. 315). The General Order, no. 332, of 1861, dealing with the amalgamation of the Company's European army with that of the Crown, includes arrangements for the transfer of the 'non-commissioned officers serving with native regiments', and thus shows how long their employment in this way continued. In chapter iii of the present article (Services of Timma Naik) will be found some early instances of sepoy companies grouped under white commissioned officers, evidently in general command.

²⁵ Muhammad Ali, Nawab of Arcot or the Carnatic.

Yusuf Khan that the provinces belonged to the Nawab, that he must acknowledge him as his master, and in future pay his revenue to him. Yusuf Khan considered this order as an act of betrayal, promptly concluded an alliance with the French, and bade defiance to the Nawab. It was only after a long, costly, and bloody siege that, in October 1764, the Nawab, with the assistance of the English, managed to effect his reduction and hanged him as a rebel. To the remark of the court of directors that they had been grievously mistaken in their estimate of Yusuf Khan's character, the council of Madras replied that they would never again entrust the government of a province to one of their native military officers.

The career of Muhammad Yusuf is, then, of supreme importance in the early history of the Company's Indian army, because whilst it demonstrated the capacity of the native soldier to master European methods of warfare, it also showed the Company that they could not expect from such men the unswerving allegiance which they demanded from their European officers, however badly they treated them. The experiment of placing natives in positions of high command and responsibility was therefore concluded to be a failure, but it was, as already mentioned, in 1759, when Yusuf Khan was at the height of his reputation, that the Madras council had begun the organization of their sepoy army in battalions. Even then they were doubtful of the advantage of high promotion for native officers, for Jamal Sahib's failure to maintain discipline during the siege of Madras had taken place under the very eyes of the governor and council, and it therefore speaks highly of the impression produced on their minds by Yusuf Khan that they did not at once decide to reserve all the higher commissioned ranks for Europeans. In order to leave open a career for men like Yusuf Khan, whilst all the other battalion officers were Europeans, they created for each battalion a new post of commandant, or, as he was generally called, 'the Black Commandant.'²⁶ This officer was selected from the subadars, but retained his company. He was subject to the orders of the European commissioned officers, though he drew slightly higher pay and allowances than the other subadars. It seems probable that his relations with his European officers were regulated not so much by any rules as by their respect for his courage, experience, and influence with the men and native officers,²⁷ but in the last resort the power was in the

²⁶ At this time the word 'black' was commonly used, and without offence, to distinguish the Indian from the European. By 1800 it seems to have been replaced by the word 'native', and quite recently it has been officially replaced by the word 'Indian'.

²⁷ Sir John Malcolm (*Sketch of the Political History of India*, p. 489) says that the popularity of service in the Indian Army was chiefly due to the numerous oppor-

hands of the European captain or lieutenant who commanded the battalion and not in that of the commandant.

The grade of commandant was retained until 1785-6, when, after the troubles of 1784, it was decided to abolish it, the commander-in-chief ²⁸ giving as his reason that,

‘when they are clever men their influence over the native officers and sepoys becomes dangerous, and when they are not so they are of no use.’

In other words, the position of commandant was not one which would satisfy a man of ability and ambition, qualities seldom found apart, and especially so in India at this period, when not only had the old Hindu grades of society been upset by the Muhammadan conquest, but the decay of the Moghul empire had opened a possible career of power and independence to every man who could wield a sword and was ready to stake his life in the great game. Yet it was the highest promotion which the Company felt it could safely give to its native officers, and now it felt compelled to withdraw even this. The military records show that in succeeding years rewards, distinctions, and pensions were freely given to native officers, but until 1819 there was no higher rank in the army open to them than that of subadar. In that year the rank of subadar-major was created, and the following passages from the General Order ²⁹ issued on this occasion will show that it corresponded exactly with that of the old commandant, which it revived under a less misleading name :

The Right Honourable, the Governor in Council, has been pleased to establish a new and superior rank of native-commissioned officers, to be denominated Subadar-Major. . . . The Subadar-Major shall not possess any office, command or superior rank, differing from that of a Subadar, in the corps to which he belongs, where he will continue to perform his duty as usual with his company. . . . A brevet pay of 25 rupees per month is annexed to the Commission of Subadar-Major, in addition to his ordinary allowances as Subadar of a company.

As this arrangement was in force at the outbreak of the Indian mutiny the supposed lowering of the position of the native officer could not have been, as is supposed by some, one of the effective causes of that lamentable affair. At the same time, it is quite clear that in the period between 1786 and 1819 the lack

tunities enjoyed by the soldiery of obtaining pecuniary advantages beyond their pay, whilst the regiment itself was a source of pecuniary advantage to the European commanding officer, ‘in which he was aided by the native commandant, to whose principles such a practice was congenial, and who, in his turn no doubt, derived every advantage from his power and influence.’

²⁸ Sir John Dalling. See *Madras Military Consultations* of 25 July 1785, and Wilson, *Madras Army*, ii. 174.

²⁹ General Order, Fort St. George, 2 February 1819.

of native battalion officers higher in rank than the subadar was a cause, sometimes, of difficulty to government.

From the foregoing description of the actual position of the native officer in the Indian army of the Company, I think it will be easy for the student of Indian history to estimate the share taken by Indian soldiers in the British conquest of India, but it will make the matter still clearer if he has before him a vivid life-picture of one of these commandants, drawn by himself and not by an English writer. This I have been enabled to supply by the kindness of Dr. Denison Ross, C.I.E., who has found in Calcutta a paper entitled, 'Narrative of the various illustrious services of Meer Sahib, Commandant of the 12th battalion.' In accordance with its title this paper relates the career of an Indian military gentleman, who reached the highest position open to him in the British service. It has the disadvantage of being a translation—probably the Meer Sahib did not know English—and a bad translation, but it is sufficiently intelligible to be printed without much modification. It gives us a fine picture of a fighting man, a man of courage, energy, and tact, absolutely loyal to his employers, and even in his old age eager for adventure. At the same time, he is curiously lacking in ambition, and it is clear that he was by no means dangerously 'clever', and, not being so, those who know how in India the spirit of caste controls ambition without suggesting dishonour or degradation, will understand that in the position he occupied he found the satisfaction of all his desires.

This was not always the case, and out of the multiplicity of the army records I have selected the story of Makhdum Sahib, acting commandant of the 9th. battalion, who in 1775 was executed for exciting a mutiny in his battalion, partly because it illustrates the difficulty of making a right selection from the subadars for the post of commandant, partly because his punishment and the degradation and promotion of other native officers by the captain in command, absolutely on his own authority,³⁰ show how completely such men depended upon the favour of the European officers, and partly because this mutiny was the first in which the avowed cause of discontent was the sepoys' dislike to being sent on board ship; and it is the more curious because it took place in a regiment the chief native officer of which was a Muhammadan, and therefore not likely to be sympathetic with the religious difficulties which beset the Hindu at sea.

³⁰ In October 1780 the following order was issued: 'In all promotion of Sepoy officers, the Captains of the Battalions are in future always to recommend the officers next in rank to fill the vacancy, which is to be mentioned in the certificate of the recommendation' (Wilson, *Madras Army*, ii. 123). In other words, the captains of battalions had to give strong reasons when they wished to supersede any native commissioned officer.

Another paper which will be of interest is a petition from one Timma Naik, hardly more than a mere record of services, but illustrating the wide sphere in which the native soldier was called upon to serve. He names amongst his commanders all the early heroes of the British army in India—Lawrence, Dalton, Clive, Forde, Coote, Preston, Wood, and Fullarton. The petition itself is in such very bad English that I have been forced to rewrite it, and to explain it I have been forced to prefix some introduction.

Last of all, I have appended an account of the mutiny of the 35th battalion in Ceylon, and the punishment and restoration to rank of Shaik Ibrahim, subadar, as illustrative of the danger to which the Madras government exposed itself by restricting the promotion of its native officers to one uniform level, for, where all the subadars were of equal rank, there was no one to give them the right lead in critical moments when their duty might be in conflict with their natural sympathy. However, there is no need to say more upon what is certainly a debatable subject.

In all the narratives here presented one fact shines pre-eminent, and that is the gallantry of the Indian soldier.³¹ This has been celebrated in many a tale and in many a history, but, so far as I know, there is no systematic record of the valiant deeds he has performed in the service of Britain. What has been published and what is to be found in the official records available in England only serve to whet one's appetite. I hope that some day some one who has access to the records in India will give to the public the stories of such fine Indian fighters as Mir Munsur, the first Indian soldier to whom the Madras council gave a medal for gallantry; Bhuwan Singh, who led the stormers at Permacoil where Eyre Coote, the sepoys' darling, was wounded; Moodeen Sahib, whose fidelity to his captain saved Ambore from Hyder and won for his regiment the first honorary distinction granted in the Indian army; and of Saïd Ibrahim, the 'good commandant', who died a prisoner in Hyder's dungeons, refusing all temptations to desert his British masters, and in whose honour the governor-general ordered a tomb to be erected, and provided an endowment so that a fakir might watch beside it and lamps burn there for ever.

S. CHARLES HILL.

³¹ The opinion of a Frenchman may be interesting: 'M. Chevalier appears to take no account of the [English] sepoys. There, I think, he makes a mistake. There would have been an end of the English a long time ago if it had not been for their sepoys' (Law de Lauriston, *État de l'Inde en 1777*, p. 175).

I. MIR SAHIB ³²

Narrative of the various illustrious services of Meer Sahib, Commandant of the 12th battalion, from the year one thousand seven hundred and forty seven to the year one thousand seven hundred and eighty five, being an active and effective service of forty years, including a short account of a secret service intrusted to his conduct by the Madras Government towards the end of the year seventeen hundred and eighty-eight, which he performed with honour to himself and with zeal and fidelity to the Honourable Company. Now on the Invalid Establishment.

I entered on the service of the Honourable Company under General Lawrence in the year one thousand seven hundred and forty seven ³³ with the rank of Jemadar.³⁴ This distinction was conferred upon me in consequence of the zealous and meritorious services of my ancestors, viz. my grandfather,³⁵ who came from Arabia in the year 1660, in the service of the Company when young with a relation of his who was appointed *kiladar* ³⁶ of Chinglapet by the Great Mogul. During my grandfather's residence at that place he formed an acquaintance with the English gentlemen,³⁷ and from the confidence they entertained in him he was nominated and appointed in the year 1690 as an envoy by the then Government to proceed to Poonah³⁸ in order to negotiate with those Chiefs for the purchase of the ground on which Fort Saint David is erected.

³² Mir Sahib is probably a familiar form of some name such as Mir Munsur or Mir Muhammad, both names of commandants, but not of the subject of this memoir, for he makes no mention of the gold medal given by the Company to Mir Munsur in 1753, whilst Mir Muhammad was a commandant in 1760 and Mir Sahib did not attain that rank until 1766. On the other hand, he says that he was enlisted as a jemadar in 1747, and the only jemadar in the *List of Peons, Sepoys, Arabians, and Horsemen in Fort St. David, January the 31st 1748/9*, who could possibly be identified with him is one 'Meer Munsuh' (? Munsur). As a name Mir Sahib is very common, e.g. Alam uddin Hussain Khan, Kiladar of Elavanasore, killed in 1757 (Orme's *History*, ii. 208), and Ali Reza Khan, brother-in-law of Hyder, killed at Porto Novo in 1781, were both commonly known as Mir Sahib.

³³ General (then Major) Stringer Lawrence did not arrive in Madras until January 1747/8, major-general, 11 March 1760. He commanded the Madras troops from 1748 to 1766, except during his visits to England and during the tenure of that command by Colonel Adlercron between 1754 and 1757.

³⁴ The native officers in an infantry regiment are subadar, jemadar (both commissioned), havildar, and naik (non-commissioned).

³⁵ A paper in the Orme MSS. (O.V. 71, p. 213) shows that the Persian interpreter in 1690 was Coja Ahmed. He was succeeded by his son Coja Muhammad Kasim and he by his brother Coja Hussain, who was interpreter at the time of the capture of Madras by the French in 1746. This disaster deprived him of his post, but he was restored to it on the restoration of the town in 1749, possibly because of the service described in the next paragraph. However this may be, the paper cited gives us the names of the grandfather, uncle, and father of Mir Sahib.

³⁶ Kiladar, i.e. the commander of a fort. The man referred to was probably 'Poty Khan'. See Wheeler's *Madras in the Olden Times*, 2nd edition, p. 97.

³⁷ i.e. the English at Madras.

³⁸ Mir Sahib means simply the Maratha court, which was ordinarily at Poonah, but at this time it was at Gingee, where Rajaram, son of Sivaji, had taken refuge from the Muhammadans. By a patent dated 24 September 1690 he gave the site of Fort St. David to Mr. Elihu Yale, governor of Madras.

After the decease of my grandfather my father succeeded to the employ of Persian and Maharatah translator, and zealously and meritoriously promoted the Honourable Company's services, particularly at the time of the French war, when an attack had been made against Fort Saint David; at which period he persuaded fifty Arabs,³⁹ who were his relations and had arrived from Mecca in a ship to trade in India, to engage in the Company's service; and moreover he, by order of the Government, procured to be brought over from the French at Pondicherry three companies of sepoys by promising them a handsome reward, which were placed under command by Mr. Hallyburton.⁴⁰

At this time the late Lord Clive⁴¹ entered in the military Service.

In consequence of the eminent services of my father and grandfather General Lawrence distinguished me with particular favour and appointed me aide-de-camp of the native corps. I accompanied him to Pondicherry during the siege of Admiral Boscawen.⁴² The siege was carried on with vigour on each side, and a heavy cannonade played on the garrison from the ships and batterys for several days, at which time the Admiral received a despatch from England in consequence of which the siege was raised.

Some time after hostilities commenced between his Highness, the first Walajah,⁴³ and Chunda Sahib. The Honourable Company joined the former and the latter was assisted by the French, who proceeded against Trichinopoly, and I accompanied General Lawrence to the relief of that Garrison,⁴⁴ which was effectually accomplished. Notwithstanding the war continued several years.

³⁹ In the Fort St. David Factory Records (vol. x) there is a *List of the Peons, Sepoys, Arabians and Horsemen in Fort St. David, January the 31st, 1748/9*. Amongst the sepoys are given the names of 279 Arabians, whose commanders were 'Jammadar Meer Munsuh' (? Mir Munsur), 'Sheety Saban' and 'Shaik Aumod'.

⁴⁰ Mr. John Hallyburton was a civilian. He had already acted in a military capacity, having held an ensign's commission in 1740, but during the siege of Madras he acted as secretary to Governor Morse. He escaped, like Clive and others, to Fort St. David, and took a prominent part in its defence in 1746-7, both as a captain of volunteers and then as adviser to the Nawab when he came to its relief (Orme MSS., India, i. 85). In August 1748 he was mortally wounded by a sepoy whom he had reprimanded (letter to court, 2 September 1748). The three companies mentioned by Mir Sahib are possibly the 300 peons brought to the assistance of the English by 'Latchmiah Reddy' shortly after the capture of Madras (Orme MSS. O.V. 289, p. 54).

⁴¹ Lord Clive, then simply Robert Clive, was granted a commission as ensign on 16 March 1747.

⁴² Admiral Edward Boscawen made a vain attempt to capture Pondicherry in 1748, and was compelled to raise the siege on 6 October 1748. He could not possibly have had news of the treaty of Aix-la-Chapelle, which was not signed until twelve days after, but it is just possible he may have heard of its intended provisions and so have more readily retired. The treaty restored Madras to the English.

⁴³ Walajah, a title of the Nawab of the Carnatic, Muhammad Ali.

⁴⁴ The capital of the Carnatic was Arcot. This was in the hands of Chanda Sahib, Muhammad Ali being blockaded in Trichinopoly by the French. Clive having secured Arcot was ordered in the early part of 1752 to relieve Trichinopoly, but Lawrence, who had been on a short visit to Europe, arrived in time to take over charge of the army and the campaign. The expedition lasted, with varying success, until the end of 1754, when the arrival of M. Godeheu to replace Dupleix and to conclude peace between the Companies put an end to the war.

At the restoration of peace the General proceeded to Europe,⁴⁵ previously to which he recommended me to the protection of Major Polier,⁴⁶ then Commandant of Fort Saint David. During my continuance in this garrison it was suddenly besieged by the French under General Lally at which time a company of our sepoys lay in the Governor's Garden whom I was ordered to conduct to the Fort. On my road thither, about fifty yards from the Garden, I was surrounded by five ⁴⁷ French Hussars, who fired their pistols and drew their swords upon me. Having a musket I threatened to fire, continuing to gain ground on the Garden, by which means I arrived in safety, took the company of sepoys under my orders and conducted them to the garrison.

After a siege of forty days the French took possession of the Fort, during which my finger was broken by the splinter of a gate broken by a cannon shot. The troops were made prisoners and (*sic*) to be sent to Pondicherry. On the road to this place I fortunately made my escape and arrived at Madras and waited on General Lawrence, who was pleased to recommend me to Major Brereton,⁴⁸ Commandant of the garrison, to be a native officer of merit and confidence.

Soon after the French army under General Lally marched to Madras to take possession of the Black Town, upon which Colonel Draper,⁴⁹ Major Brereton, and Major Polier, with five hundred of the Company's troops marched out to prevent it, when a very severe engagement ensued in the principal street of Black Town. Although the French accomplished a lodgement, our troops reached the Fort in good order, took Monsieur Count d'Estaing prisoner, and many fell on both sides, and the French also lost a brave officer in the death of Monsieur Shabenic.⁵⁰

General Lally now proceeded to entrench his army and erected batteries, which were opened upon the Fort. In the course of the siege a breach was made. During the time they were carrying on these works Major Brereton made frequent sallies with the troops in the Fort against them and beat the enemy from their trenches. On this service I always accompanied him. A vast number of shells were thrown into the Fort, and by one breaking in the air, when I was officer of the night on repairing the breach, I was wounded. The French having made breaches in the walls, they attempted to storm the Fort, but were repulsed with great slaughter and, after a fruitless attack for two months, they raised the siege and retreated

⁴⁵ Lawrence did not go home, but, as Colonel John Adlercron had been sent out in command of the troops, he took no further share in military operations until that very useless officer went back to England at the end of 1757.

⁴⁶ Paul Polier de Bottens, a Swiss officer.

⁴⁷ Mir Sahib gives the same number of opponents in another little affair later on; but as a matter of fact the natives of India are apt to use numbers without regard for absolute exactitude. The governor's garden was a large garden enclosing his country house a mile and a half to the north-west of the fort (Orme, *History*, i. 81).

⁴⁸ Major Cholmondely Brereton of His Majesty's 64th Foot, commonly known as Draper's Regiment.

⁴⁹ Colonel William Draper, arriving in time to take part in the defence, headed a desperate sally on 14 December, in which Polier was mortally wounded. The French suffered severely, but retained possession of the black, i.e. native, town.

⁵⁰ In this sally the Comte d'Estaing was captured by the English, and M. Saubinet, a very gallant French officer, was killed.

to Conjeveram.⁵¹ During the siege I took a French soldier prisoner near to the Hospital and carried [him] to the Fort, which was communicated to Lord Pigot, and his Lordship, in consequence, made me a handsome present for my bravery, by recommendation of Major Brereton.

The command of the army, with a reinforcement under Cawn Sahib, was given to Major Brereton.⁵² We now followed the enemy to Conjeveram where they left troops to garrison the Pagoda which we took by storm, at which time Major Brereton was wounded. The main body of the French troops laid at Arcot.

About this time General Coote arrived from England and took command of the army,⁵³ with whom he proceeded to Covrepauk and provoked Monsieur Lally ⁵⁴ to an engagement, who agreed to meet our army to decide the matter at Wandiwash, and each marched for that purpose. General Coote took his route by way of Conjeveram two days after, and General Lally took the high road from Arcot to Wandiwash Plain, and arrived there before our army, and having learned the road General Coote had taken, he drew up his army in the front of our army while on the line of march to the east of Wandiwash Fort. This happened on the third day of our march, on which day General Coote ordered his whole army to wear green branches in their hats and turbans.⁵⁵ Afterwards General Coote formed our army about five hundred yards from the front of the French and immediately a cannonade commenced on both sides. At the same time our army continued to advance and when arrived at about two hundred yards from the French line they opened a battery against us, which they had formed on the bank of a tank ⁵⁶ in the rear of their line of six twelve pounders, but by some accident a shot intended against our line fell to the left of the French line amongst their ammunition, in consequence of which some tumbrils were blown up and thereby a number of the left wing of the French army were killed and wounded and great confusion ensued, which induced Major Brereton with three hundred men of his regiment from the right to make a charge on the left wing of the French, which with some troops of their army retreated to a small tank,

⁵¹ The siege, which began on 12 December 1758, was raised on 17 February 1759. The French made a breach but never attempted to storm it.

⁵² At the end of March 1759 Lawrence declared himself unable, owing to ill health, to take command of the army in the field. It was therefore handed over to Major Brereton, Cawn Sahib (i. e. Muhammad Yusuf Khan) accompanying him with the troops, regular and irregular, which he had brought from Madura. Brereton stormed the pagoda at Conjeveram on 16 April 1759, being himself, with most of the European officers, wounded in an attack on the main gate, whilst Lieutenant Airey and Muhammad Yusuf forced their way in by the back.

⁵³ Major, afterwards Sir, Eyre Coote joined the army on 21 November 1759 (Wilson's *Madras Army*, i. 132).

⁵⁴ Thomas Arthur, comte de Lally, afterwards executed in Paris for having lost India to the English.

⁵⁵ The celebrated battle of Wandiwash was fought on 22 January 1760. Eyre Coote's journal for 21 January contains the following entry: 'The whole army as well Europeans as blacks are to have a green branch of the tamarind tree in their hats and turbans, likewise upon the tops of their Colours, in order to distinguish them from the enemy.'

⁵⁶ In India the word 'tank' is used to express 'an artificial lake', the earth excavated from which is generally thrown up in a bank all round.

where they took post and the right wing kept their ground. Major Brereton continued the pursuit and a dreadful engagement took place. In the meanwhile the right wing of the French sustained the attack of our line for about a quarter of an hour, and nearly all that . . . during which most part of the regiment of Lorraine was killed or wounded and our army took up the ground of the French together with their whole artillery and ammunition.

When I was on duty over the French ammunition and artillery I discovered Monsieur Bussy sitting under a tumbril. I took him to be a French soldier and drew my sword to cut him down, when he spoke to me in Moors, saying that he was Monsieur Bussy. I therefore conducted him to General Coote and he was afterwards sent to Madras.⁵⁷ In consequence of my good conduct the General appointed me Jemadar of his Mogulee Horse Bodyguard and the General also allowed me to continue my station of Jemadar of Infantry.

In this engagement our loss was inconsiderable except in the party that charged the enemy under Major Brereton, which amounted to more than two hundred men killed and wounded, and the Major was mortally wounded, of which he died a few days after. The French were completely defeated and their loss in killed and wounded was very heavy, and they retreated to Chitapet.

After our army had obtained this victory the General laid siege to Wandiwash garrison,⁵⁸ which surrendered in a few days. General Lally heard this and marched his army to Pondicherry, leaving the sick and wounded and a few troops at Chitapet garrison, and General Coote marched and laid siege to Arcot,⁵⁹ made a breach and then the garrison surrendered. We next proceeded against Chitapet which was also taken in like manner, as was likewise Permacoil hill fort,⁶⁰ Alamparva and Valdore forts, after which the General marched the army and encamped on the Red Hill⁶¹ near Pondicherry.

Shortly after, the General left the command of our army to Colonel Monson and returned to Madras. A few days after Colonel Monson had the command, he took the Bound Hedge of Pondicherry by storm and

⁵⁷ I can find no confirmation of this story. Bussy himself (*Mémoire pour le Sieur Bussy*, ed. 1764, p. 73) says that his horse being wounded and about to fall he was forced to dismount, and being left with only one or two men, he was compelled to surrender to an English officer who came up with a body of soldiers. The French are as fond of these stories as we are, and in the Bibliothèque Nationale (Nouv. Acquisitions françaises 9357, fo. 279 b) there is a paper which ascribes the capture of Lawrence at Ariancopang to a French drummer-boy, to whom he offered his watch, purse, and ring to allow him to escape, but the gallant boy replied that French soldiers did not fight for such things but for honour and the king, and added that he would blow his brains out if he did not come along.—'Moors' is of course 'Moorish' or 'Hindustani'.

⁵⁸ The word 'garrison' seems to have been commonly used for any town which was held by a garrison.

⁵⁹ Chitapet was taken on 29 January and Arcot on 16 February 1760.

⁶⁰ Permacoil was taken on 5 March, Alamparva on 12 March, and Waldore on 17 April. In the first attack on Permacoil Coote was wounded. Coote was so much pleased with the native commandant Bhuwan Singh's behaviour that he ordered a gold medal to be made for him (Coote to Council, 6 March 1760).

⁶¹ The Red Hills were some elevated ground half a mile from the sea-shore and a mile and a half north of Pondicherry (Orme MSS., India, iii. 610).

himself and some other officers were wounded. In consequence of which General Coote resumed the command of the army and lay before the garrison for some months, and at last the French surrendered at discretion.⁶²

Peace being restored,⁶³ the General proceeded to Bengal, and previous thereto he was pleased to appoint me Adjutant General of the whole sepoy corps under Captain Stephen Smith,⁶⁴ Commandant of all that were on the Coast, which duty I continued to perform until the army was ordered to take the field in the expedition against Gingee, Vellore and Arni. Afterwards the army proceeded to Trichinopoly and continued there in cantonment for some months.

In the meantime General Lawrence arrived at Trichinopoly and formed the native troops into battalions. Each battalion consisted of ten companies with a Captain, two subalterns and a native Adjutant, with the necessary complement of native commissioned officers.

In consequence of this arrangement and my own good conduct, General Lawrence promoted me to the rank of Subadar and recommended me to Major Preston, whose business I transacted, and our detachment marched through the Jungles to Maduray in order to establish a friendship with the Poligars of the country.⁶⁵ General Monson with the Grand Army

⁶² Owing to some mistake in England orders were received at Madras by which Monson superseded Coote. Coote therefore made over command of the army to Monson on 5 September 1760, but on 10 September Monson was so severely wounded in the attack on the Bound Hedge, or outmost defences of Pondicherry, that the Madras Council was forced to request Coote to resume the command. Pondicherry surrendered to Coote on 15 January 1761.

⁶³ The treaty of Paris was not signed until 10 February 1763, but Coote left for Bengal on 9 March 1761.

⁶⁴ The order of events in this and the next paragraph is somewhat confused. Before he left for England in 1759 Lawrence had proposed the organization of the sepoy companies in battalions with two subalterns and two sergeant-majors, all Europeans, to each, as well as a native commandant, *subordinate to the European commissioned officers*, and the usual complement of subadar, jemadar, havildars, and naiks to each company. These arrangements were not carried out at once, but towards the close of the year the sepoy companies were divided into three commands: (1) at Madras under Captain Tod, (2) at Conjeveram under Captain Stephen Smith, (3) at Trichinopoly under Captain Richard Smith. Captain Stephen Smith entered the army on 3 April 1756, and was promoted to be captain on 25 October 1759. He captured Gingee on 5 April 1761. Vellore surrendered to Colonel Caillaud on 26 December 1761, and Arnee on 9 May 1762.

⁶⁵ Major Achilles Preston (obtained his majority on 25 June 1760) was in 1763 in command at Trichinopoly. When Muhammad Yusuf rebelled in that year he was sent with an advance party to protect the Poligars (petty feudal chiefs) favourable to the English. In August 1763 Colonel George Monson (of Draper's Regiment) took command at Madura, but was compelled to raise the siege in November, and returned to Madras leaving Preston in command. In February 1764 Major Charles Campbell superseded Preston, and in March detached Preston towards Tinnevely. In this expedition he took Sundravandy, Kavilpatty, and other places, destroying Muhammad Yusuf's hopes of assistance from the south. On 26 June 1764 an attempt was made to storm Madura, Majors Preston and Wood leading the assault, which failed, with heavy loss to the English. There is no record of the incident recorded by Mir Sahib, but in a certificate dated 10 October 1785, Colonel Ross Lang says he was orderly subadar to Major Preston and behaved with great gallantry. On 1 July 1766 the chief at Cuddalore recommended one Tondria jemadar for a company on account of his gallantry at Madura with Major Preston, and in a letter to Council dated 15 September 1766

joined us. Shortly after Major Preston with his detachment was ordered to proceed against the fort of Sundrawandy a strong garrison of Khan Sahib's. When we arrived in sight of the fort, the Major fixed upon me to go with a flag of truce to the *Kiladar*⁶⁶ in order to negotiate with him to deliver up the fort to us as we had not force sufficient to take it by storm. He promised me if I brought the *Kiladar* to his wishes that he would recommend me to the Supreme Board to make me and my posterity for ever happy. I had the honour to accomplish this eminent service to the Major's full satisfaction by bringing over the *Kiladar* and all his troops to join our detachment, and the whole were taken into the Company's pay. By this means we got possession of the fort and also that of Kavilpatty and other forts, after which we returned to Maduray and joined the Grand Army.

Shortly after General Monson gave up the command to Colonel Charles Campbell and returned to Madras, after which his Highness the Nawab Walajah, Colonel Call, Colonel Charles Campbell and Major Preston held a consultation, and it was resolved to erect batteries, which being done a breach was made in the garrison wall, which was attempted to be taken by storm under the command of Major Preston, who ascended the breach with myself, a sergeant and a Jemadar. We made our way to the bastion with the colours, but the storming party that were to have supported us were, owing to the narrowness of the breach, thrown into confusion. Several fell into the ditch and were drowned and those that escaped had their ammunition so wetted as to render it useless. The enemy, noticing the confusion of our party, fired upon we four upon the bastion and Major Preston was wounded with a musket shot in the groin, of which he died in a few days. My side also was grazed by a musket shot. The Jemadar and sergeant were not wounded. In this situation we made our retreat to our trenches, Major Preston being supported between the Jemadar and sergeant.

In consequence of this disaster a trench was made round the garrison and guards posted to prevent [their escape,] which continued about a year, when a mutiny happened among the Cawn Sahib's troops for the want of pay.⁶⁷ Therefore they seized him and delivered him up to the Nawab and he suffered death.

Colonel Joseph Smith requested that Mr. Thomas Adair, who had served under Major Preston until he was killed, might be given brevet rank as a captain. It appears probable therefore that Adair and Tondria were the two gallant men who rescued Major Preston when he was wounded. As regards Tondria I cannot be positive, but in a petition to the Court of Directors dated 1765 (India Office Records, Miscellaneous Letters received, vol. 47) Adair says he was Preston's aide-de-camp, and adds, very modestly, that he was with him when he received his fatal wound. As Adair was serving as a volunteer Mir Sahib possibly thought he was a sergeant.

⁶⁶ The kiladar was called 'Moodeen Sahib'. His brother 'Parced Sahib', kiladar of Kavilpatty, surrendered without resistance.

⁶⁷ This is the only account of the surrender of Madura which I have met with that ascribes the mutiny to the 'want of pay', which was certainly a very frequent cause of mutiny. The actual cause was probably a fear of Muhammad Yusuf making his escape and leaving the garrison, largely composed of deserters, to the vengeance of the Nawab and the English.

Major Donald Campbell⁶⁸ was now appointed to command the garrison of Maduray and I was recommended to remain with him. We had not been long in the fort when it was discovered that Hyder Ally⁶⁹ had employed an officer of his army to intrigue with our sepoys in the garrison with a view to allure them into his Master's service. Major Donald Campbell and Captain Bellingham⁷⁰ being convinced this was a fact, they sent for me and observed that they looked upon me as a person capable of transacting important business and requested me to use my utmost efforts to prevent so melancholy a disaster. I accordingly examined deeply into the affair, considered the circumstances, and in the end discovered this officer of Hyder had taken up his abode about ten miles distant from Maduray. I communicated this intelligence to Major Donald Campbell and at the same time desired him to let me have twelve sepoys and I would try to apprehend him. This was complied with and I proceeded at midnight with the twelve guards to the place and made Hyder's officer prisoner. I then carried him before Major Donald Campbell who ordered him to be executed, so that by this means the desertion of the sepoys at Maduray was prevented, and in consequence of my steady attachment and faithful services in the cause of the Honourable Company, Colonel Charles Campbell, Major Donald Campbell and Captain Bellingham recommended me to Government as worthy of being appointed a Commandant, and accordingly I received my appointment of Commandant to the twelfth battalion, then commanded by the late General Mathews in the year 1766 and stationed at Woodiarpollam, a Poligar country that was constantly giving trouble to the Nawab, which obliged the troops to be continually on the look out.⁷¹

The Jungle where the Poligar and his people secreted themselves was composed of prickly bushes and thorn trees, which rendered it impossible

⁶⁸ Major Donald Campbell was a brother of Major Charles Campbell. He became captain on 30 May 1758, and major on 15 November 1763. In the original he is invariably referred to as Daniel Campbell instead of Donald. This suggests the idea that Mir Sahib employed the services of a Christian, possibly Portuguese, clerk, in preparing his petition, for to such a man the name Daniel would be familiar and not unlike Donald in the way it would be pronounced by a native.

⁶⁹ Hyder had by this time made himself master of Mysore.

⁷⁰ John Bellingham, entered the army 31 May 1758, captain 15 November 1763, lieutenant-colonel 12 April 1773.

⁷¹ Mir Sahib makes a mistake in the date. What he calls the 12th battalion was originally the 16th. It was formed in conformity with the Council's resolution of 16 February 1767, and placed under Captain Mathews 'as the fittest person for this service, being persuaded of the mildness of his disposition for conciliating the minds of the inhabitants to the late change of Government'. It was stationed at Wadiarpollam to quiet the Poligars and to protect and assist the Nawab's managers, in other words, to collect the Nawab's revenues. Mathews was instructed to be particularly careful in his choice of native officers, and he mentions two of these, either of whom might possibly be the Mir Sahib. One was a subadar named 'Meer Jafar', and another a jemadar actually called 'Meer Sahib', to whom he gave a company (letters to Council of 8 and 23 March 1767). Richard Mathews entered the army on 5 July 1760, and was made captain on 15 November 1765. After the first war with Hyder he went to England, and was subsequently appointed to Bombay, where he rose to the rank of brigadier-general. On 25 June 1783 he surrendered Bednore to Tippoo Sahib, and is supposed to have been murdered in prison.

for those unacquainted with the private paths to pursue them. To remove in some degree this inconvenience the Captain commanding the battalion ordered jackets and caps to be made of leather, and having information that the principal man with several others was concealed in the Jungle I was ordered with a company of sepoys to surprize them at night. Our leather cloathing having enabled us to penetrate the thorny bushes, and I so far completed the service that I took the Poligar and ten others prisoners; the remainder being alarmed retreated, and as it was dark, any pursuit in such a wilderness place would have been both dangerous and fruitless. I therefore returned to Camp with the prisoners in safety.

At the battle of Changamah I was ordered with Lieutenant Huske ⁷² and five companies of sepoys to join General Smith ⁷³ in his engagement with the combined armies of Hyder and the Nizam.⁷⁴ Ours defeated both armies and we also took several of the Nizam's field pieces and battering cannons.

Shortly after Hyder laid siege to Amboor, and the General, being joined in the meanwhile by General Mathews and the remaining five companies of his battalion, our army marched to that garrison and compelled Hyder to raise the siege,⁷⁵ and we pursued him to Kishanagerry, which our General besieged and took the fort in a few days. Shortly after Major Donald Campbell with a detachment from the Grand Army (of which our battalion formed a part) was ordered to march into Hyder's country by Vencatagherry Fort, which place we took in the course of a day.⁷⁶

Afterwards General Mathews ⁷⁷ with our battalion was ordered to march against Mulwagul Hill Fort, which the detachment besieged four days. On the following night he [i.e. Mathews] ordered the battalion to march behind the hill and dress themselves in a similar uniform to that of Hyder's army, which was white, and he himself wore a Mogul dress. These matters being arranged the Captain ordered me to write a Persian letter to the *Kiladars* of that fort, purporting that it came from Mahomed

⁷² Brumsall Huske entered the army 2 August 1765, and was made lieutenant 8 August 1766.

⁷³ Joseph Smith joined the army on 3 October 1749, captain 26 March 1754, major 24 June 1760, colonel 10 April 1765, brigadier-general 3 November 1768. He defeated Hyder at Changamah on 3 September 1767. In this as in all his engagements with Hyder he was unable to make his victory decisive owing to his want of cavalry.

⁷⁴ The ruler of Hyderabad and Subah or governor for the Moghul of all southern India. His authority, like that of the Moghul (emperor of Delhi), depended entirely on his power to enforce it.

⁷⁵ The siege was raised on 6 December 1767.

⁷⁶ 16 May 1768. The good services of Mir Sahib on this occasion and in the rest of this war are mentioned in a certificate dated 17 May 1786 by Major John Oldham.

⁷⁷ The stratagem employed by Mathews for the capture of Mulwagul is said to have been successfully employed by Hyder at Dharwar (translation of Kirmani's *History of Hyder Naik*, by Colonel W. Miles, p. 238) and unsuccessfully by one of his French officers, a M. Lally, at Wandiwash in 1780 (*ibid.* p. 434). It may be noted that the credit of the exploit is given to Mathews by both General Joseph Smith and Colonel Donald Campbell, but it is also claimed by Captain Mathias Calvert (*Extracts of letters received by Captain Calvert from the governor and council of Fort St. George*). There is good reason for supposing that the *Kiladars* were not so simple as they seemed, and had been bribed by the Nawab Muhammad Ali.

Ally Beg⁷⁸ by Hyder's order and that he had arrived with a battalion from Bednore to defend the Hill against the attack of the English troops, and requesting a person might be sent down to conduct the battalion up to the hill fort. The letter being written by me, General Mathews requested me to deliver it to the *Kiladar*. Although this was a most dangerous enterprise I cheerfully undertook it, for with me the good of the Service outweighed every personal consideration. I accordingly dressed myself in the character of one of Hyder's *harcarras*,⁷⁹ and with a guide proceeded with the letter, which I delivered to the *Kiladars*, Jafar Husain Cawn and Shaikh Mahomed Cauzee, which they perused, and they were much pleased with its contents as it agreed with a letter they had before received from Hyder Ally, and immediately ordered a person to accompany me to conduct the battalion up to the fort, where we arrived in perfect safety, and General Mathews was introduced to the *Kiladars*, upon which occasion I acted as interpreter. They asked me of what country he was born. I replied that he was of Turkistan and did not understand their language; that he was sent by our master the Sultan to defend the Hill, which answers obtained their belief. This interview lasted about half an hour and in the intermediate while our battalion was placed at the different posts round the garrison, which being completed and a report thereof made to the Captain, he gave me a signal to order the battalion to dress themselves in their proper uniform and beat their drums.⁸⁰ This sudden change in our proceedings greatly alarmed the *Kiladars* and the people in the fort. Several matchlock-men escaped over the walls and many were made prisoners, as also the two *Kiladars*, and the fort was in a short time reduced to order.⁸¹

The next day the garrison was delivered into the charge of a European officer, who commanded a few companies of the Nawab's sepoys detached by Colonel Campbell for that purpose. Those arrangements being accomplished we left Mulwagul Hill Fort and proceeded against Colar, Oossore, Baugloor and Ooscotah, all of which forts we took, and were joined by General Smith, accompanied by his Highness the Nawab Walajah at the last garrison.

Hyder Ally was now with his army at Bednore. On hearing of our army being on the borders of his country he was much alarmed and marched directly with all his force towards Bangalore. On his route to that place he heard that Morari Rao's⁸² camp was about a mile distant

⁷⁸ One of Hyder's officers, afterwards put to death by Tippoo Sultan (Fullarton's *View of the English Interests in India*, p. 177).

⁷⁹ *harkaras* or messengers.

⁸⁰ Down to this year the native troops used tom-toms or native drums. On 27 January 1767 Council decided they should use drums instead of tom-toms, and also that each company should in future carry the Company's colours (*Military Consultations*). The actual orders of the Court of Directors were (Letter to Madras, 19 February 1766), 'That the British colours, such as are carried by our European Battalion, be also borne at the head of the Sepoy battalions, without any distinction.' In 1759 each battalion had been given its own colours (Wilson, *Madras Army*, i. 143).

⁸¹ The fort of Mulwagul was taken on the night of 22-3 June 1768.

⁸² Morari Rao, chief of Gooty, was perhaps the most celebrated Maratha free-lance of his time. It was he who marched to the relief of Arcot in 1751, and he ended his life as a prisoner of Hyder. This affair took place on 22 August 1768. It is

from ours. He stormed it in the night, but they beat him and his loss was considerable. He left his wounded behind, which Captain Mathews viewing with the eye of compassion ordered their wounds to be dressed and gave each man a rupee and a cloth, then sent them in *doolies*⁸³ to Hyder, who after his defeat proceeded to Bangalore.

Colonel Wood⁸⁴ had now left Trichinopoly, having taken Errore, Dara-pooram and other garrisons, and marched to join the Grand Army under General Smith. Hyder, having information of the intended junction, marched his forces to intercept him. General Smith gained intelligence of Hyder's intentions and immediately followed him, which alarmed him so much that he fled. By this means the detachment joined the Grand Army without loss. Captain Mathews was now ordered with his battalion to join Colonel Wood's detachment, which now consisted of Major Lang⁸⁵ with three hundred Europeans and three battalions [of sepoys]. This small detachment pursued Hyder, then a hundred thousand strong, engaged him and defeated him twice, and General Smith marched to meet the Nawab at Colar.

In the interim Hyder retook Mulwagul Hill. In consequence Colonel Wood marched after Hyder and ordered Captain Mathews to storm Mulwagul Hill Fort with his battalion, accompanied by eighteen European grenadiers under Captain Mackay,⁸⁶ but we failed in the attempt owing to our scaling ladders being too short, Captain Mackay was killed as also a sergeant and several others, and I received a wound by a stone. Hyder, having heard of our proceedings, pursued us to give us battle and charged our picket guard.

Next forenoon⁸⁷ Colonel Wood ordered his detachment to fall in, then faced the line to the right and marched to the picket, having previously stationed Captain Mathews with his battalion to the left. Colonel Wood, thinking Hyder too strong for him, put his line to the right about in order to avail himself of a tank about a mile distant. Captain Mathews and his battalion kept their ground and received the attack of Hyder's whole army, and were engaged from ten in the morning to one o'clock, at which time a principal officer of Hyder's Horse was shot dead, which threw his whole army into consternation, and they retreated about two miles and took their ground behind a large rock. Our battalion pursued, but finding their position advantageous we declined attacking them, and took up our ground behind some scattered rocks interspersed with bushes, so that we were safe from the attacks of Hyder's Horse. There was also a dry water-course between our battalion and Hyder's army. General Mathews

noticeable that Hyder, unlike most native leaders, had an absolute passion for night attacks.

⁸³ Dooly or native litter, a much more simple affair than the palanquin.

⁸⁴ Colonel John Wood, entered the army 5 November 1753, colonel 1 April 1766.

⁸⁵ Ross Lang entered the army 6 April 1756. He was lieutenant-colonel at this time, having been promoted to that rank on 1 April 1766.

⁸⁶ Captain Hector Hercules Mackay, entered the army 23 May 1763, captain 26 October 1767, killed 8 September 1768.

⁸⁷ Here follows a description of the battle of Mulwagul, 4 October 1768. Colonel Wood's account not being satisfactory, General Joseph Smith sent his own account in a letter to the Madras Council dated 9 October 1768 (Wilson's *Madras Army*, i. 258).

ordered me with a subadar and half a company of sepoy to take post at the head of this watercourse to watch the motions of the enemy. I had hardly time to fulfil my orders before I observed the Infantry of Hyder marching towards us with his Horse and Artillery with himself in person marching on the plain to the front of Colonel Wood's detachment. I sent this intelligence to General Mathews, who on hearing of it sent orders for me to return to the battalion and to leave the subadar in charge of the post, that I might take a company to guard the watercourse. Having given position and directions to the subadar to maintain his post and not allow the sepoy to act cowardly, I then proceeded to the battalion stationed about a mile distant, but before I came to the ground General Mathews had marched to join Colonel Wood's detachment about two miles off. I then followed my battalion to receive the company General Mathews had ordered me to come to him for. On the road to the battalion five of Hyder's horsemen charged upon me with drawn swords. I fired a pistol and the contents lodged in one of the horses. Then I drew my sword, flourished it over my head and marched on. Then one of the horsemen pursued me and demanded my sword. I replied to him that it would be shameful, and as he was a horseman and I a foot officer⁸⁸ it would be well for him to dismount and try my courage, and if he proved the best soldier he might take it. He replied, 'Young man,⁸⁹ you will be killed if you do not give up your sword!' I answered him that in place of giving it him I had an elegant pair of embroidered slippers at his service, and instantly threw them at his face. He was so much ashamed and daunted by this attack that he rode off and I pursued my route and joined General Mathews. On the way between our battalion and Colonel Wood there was a watercourse and we could not get the field-piece over till the ground was made smooth. Whilst this was performing a body of Hyder's cavalry, to the number of five thousand, came down upon us at full charge, which alarmed our battalion then [reduced to] only three hundred men. However I had the presence of mind to order the gun to be turned against the enemy, and called out, 'Fire! Fire!' holding up my hand and then lowering the match to the pan of the gun, although there was neither powder nor ball. This manœuvre was successfully practised on three several charges of the enemy, which intimidated them so much that they retreated and the field-piece was then got over the watercourse and we joined Colonel Wood in safety after being engaged from morning to evening. These my laborious and gallant actions and faithful services were well known to General Lang⁹⁰ and the other officers that were in camp, in testimony of which I am now possessed of the General's certificate as also Mr. Petrie's.⁹¹

⁸⁸ This statement shows that a commandant was not necessarily a mounted officer as Kaye supposes.

⁸⁹ The expression 'young man' seems to be a literal translation of some such expression as *Jawan*, which means not only a young man but also any smart and active-looking man. Used in address it would correspond to 'My fine fellow!'

⁹⁰ Ross Lang was promoted colonel on 12 October 1772. I cannot trace his promotion any further.

⁹¹ Mr. William Petrie in the Company's service. He acted as paymaster in the Maravan expedition in 1772 which Mir Sahib mentions below. Ross Lang, in the

The next day General Smith and his army from Colar joined Colonel Wood at Mulwagul Hill, and Hyder marched his army to Asoon (?Oosoor). Colonel Wood and also General Mathews recommended my late services to General Smith, the Commander-in-Chief, who was pleased to present me with a sword, and further observed that as soon as Hyder was subdued he would recommend my recent services and bravery to the Governor in Council to grant me a peculiar mark of the Honourable Company's approbation and indulgent protection towards my family.

General Smith directed Colonel Wood to proceed with his detachment to Oosoor fort to observe Hyder's motions. On our march thither we deposited our baggage at Baugloor. Hyder, having information of our being near to Oosoor, put his army in motion and marched from our flank by the road of our rear and remained in this position four hours without coming to action, and afterwards he marched away. Colonel Wood proceeded to Oosoor fort and halted there till night. We here heard Hyder had marched to Baugloor. We pursued him to that place where we arrived early in the morning. The enemy, previously to our arrival had left the place. We halted there that day and marched the following night. Being in want of provisions we proceeded on to Colar. Having had no intelligence of the enemy the baggage was placed on the right flank. There was some jungle on the road which could only be passed by a narrow path, which compelled us to leave our baggage under a guard to pursue a different route. The enemy came upon the baggage guard by surprise and took it. At daybreak we arrived at a Vellore village and were surrounded by Hyder's whole army. The engagement continued from morning till evening when we obliged the enemy to retreat and our detachment remained on guard till ten o'clock. In this engagement between four and five hundred of the enemy were wounded. Our loss was inconsiderable. The same night we marched within five miles of Colar, where we halted and in the course of the day were joined by Major Fitzgerald with a reinforcement and provisions from General Smith.⁹² Our detachment being augmented and supplied, Colonel Wood immediately followed Hyder and in three days came in sight of him.

When our baggage was taken by Hyder in the Jungle, as above stated, my family and a few of the sepoys' families were carried away prisoners. The sepoys' families were sent back. When Hyder heard my family was of the number, he detained them and sent a letter and message to me by those he had dismissed to this purpose:—'What will you gain by serving the English? If you come to serve me I will give you the command of two thousand horse, of all my Infantry, and allow you high pay. If you agree to this it is well. If you do not I shall disgrace your family.'

certificate above mentioned, confirms Mir Sahib's statement that General Smith commended his services, but in his letter of 9 October Smith confines himself to general commendation of the 1st and 16th battalions (see Wilson, *Madras Army*, i. 262). Mir Sahib was commandant of the 16th, which in the year 1770 became the 12th battalion of native infantry.

⁹² See Wilson, *Madras Army*, i. 263. Major Thomas Fitzgerald effected a junction with Wood on 23 November, and practically saved him from defeat if not annihilation. Wood was recalled to Madras and ultimately court-martialled. Thomas Fitzgerald entered the army 1 July 1759 and obtained his majority on 10 November 1766.

I delivered this letter to Colonel Wood and also took along with me the sepoy's family that had brought it. The Colonel gave me little or no answer at the time. When we arrived at Sherzapoor we discovered Hyder Ally in order of battle. Our army was encamped. We marched to meet him and halted in front of his [army]. Colonel Wood now wrote to Hyder Ally, desiring him to send back the Commandant's family, meaning my family. The letter was despatched by an orderly jemadar and *harkara* with a flag of truce. Hyder sent a verbal answer in return, saying, 'If your Commandant's family is here I shall send them back,' and he marched away. Next day he despatched a letter to the Colonel by twelve horsemen, forty sepoys and a jemadar, to escort my family to our camp. The letter was written to the following effect: 'For what purpose is a war carried on between me and the English? It would be well to make peace and be friends with each other. I hope you will persuade the Governor and Council of Madras to this good end.' Colonel Wood sent this letter to the Presidency accompanied by one from himself, and shortly after accompanied General Smith with the Nawab to Madras, and then the command of the army devolved on Major Fitzgerald.⁹³

It appeared Hyder marched to Onore fort and took it, as also Darapooram, from whence he proceeded to Cannore near to Trichinopoly, and Major Fitzgerald with our army pursued him, which induced him to retreat back to Terrow and we followed him there. He then made preparations to give us battle and at the same time sent an ambassador with a message to Major Fitzgerald, desiring that gentleman to send Meer Sahib Commandant, meaning me, to negotiate peace, with whom he would settle quickly. Major Fitzgerald asked me to undertake the business. At first I declined the proposal owing to Hyder having not long before proposed to receive me into his service on advantageous terms, which I peremptorily refused, and being also apprehensive he might do me an injury in consequence of my having delivered the letter to his *Kiladars* at Mulwagul Hill fort, by which means we took the fort. However upon reconsideration of the subject, I acquainted the Major I was ready to go and run all risks, provided a gentleman went with me on the business that understood the languages. Captain Bruce,⁹⁴ a gentleman from Bengal, was fixed upon for the business, and accordingly I equipped myself to accompany him. Previously to our proceeding, General Mathews, then Captain, heard of my going and dissuaded me from the undertaking. In fact he would not allow me to go for the reasons above given, and which he so strenuously represented to Major Fitzgerald that the Major's *dubash*⁹⁵ accompanied Captain Bruce, but the negotiations broke off without anything being done. Some time afterwards General Smith, Councillor Johnson,⁹⁶ and the Honourable Company's head *dubash*⁹⁷

⁹³ Colonel Wood, being recalled to Madras, as mentioned in the preceding note, left the command to Ross Lang, who detached Major Fitzgerald with 5,000 men to follow Hyder into the Carnatic.

⁹⁴ Mir Sahib means Captain Brooke, who belonged to the Bengal detachment (Wilks, *History of Mysoor*, ii. 115.)

⁹⁵ *Dubash*, used commonly for a head or confidential clerk; properly it means an interpreter.

⁹⁶ Possibly Samuel Johnston, member of the Madras Council.

⁹⁷ The Company's *dubash* at this time was one 'Moodu Kistna'

arrived at our camp from Madras to establish peace, but this negotiation also ended in nothing as Hyder would not accede to the terms they proposed. However Hyder not long after proceeded in person to near the Presidency, concluded the peace⁹⁸ and returned to his country.

The country now continued in tranquillity for several years, but some disturbances occurring in the southward countries and Ramnadpooram, General Smith at the head of the army took the field, accompanied by the present Nawab,⁹⁹ and arrived at Madras [? Madura] on their march for Ramnad. Colonel Bonjour¹⁰⁰ at this time commanded Madura fort and our battalion, commanded by Captain Evans,¹⁰¹ lay in the garrison. A detachment was formed under Colonel Bonjour, which consisted of five companies from our battalion (to which Colonel Oldham,¹⁰² then lieutenant, and myself were attached), five companies of the eighth battalion, some Sibbandy¹⁰³ and cavalry of Madura country, to proceed against young Maravah's¹⁰⁴ country, called Callicoil. Accordingly the detachment marched and encamped near Terpavanum fort. The same evening Colonel Oldham recommended me in the strongest manner, my capacity and the many courageous services I had performed, to Colonel Bonjour, which led this gentleman to appoint me to command twelve havildars¹⁰⁵ with a petard to force open the gate of the fort at eight o'clock p.m., and followed himself with one company of sepoys, ordering Colonel Oldham to halt the other four companies of our battalion fifty yards from the gate till the gate was forced open, which being accomplished, we found a large body of troops on our entering in the side of the gateway armed with pikes, swords and matchlocks, ready to oppose and compel us to retreat. Colonel Bonjour instantly ordered me in front of the twelve havildars under my command to force our way with charged bayonets, which was accomplished. Hurrahing success to the British arms the other troops immediately followed. We took possession of the fort and made about two thousand men that were in arms prisoners. Colonel Bonjour was so much pleased with my conduct on this dangerous service that he introduced and recommended me in the strongest manner to General Smith when we joined the Grand Army.

⁹⁸ Hyder concluded peace with the English on 4 April 1769.

⁹⁹ Umdat-ul-umra, eldest son of Muhammad Ali, whom he succeeded in 1795. He died on 15 July 1801.

¹⁰⁰ Abraham Bonjour, entered the army 11 September 1757, lieutenant-colonel 27 August 1770.

¹⁰¹ Samuel Evans, captain 11 November 1766.

¹⁰² John Oldham, entered the army 24 October 1767, lieutenant 21 October 1768, captain 23 November 1776, major 17 April 1786, lieutenant-colonel 24 January 1788, colonel 1 June 1796.

¹⁰³ Sibbandy, i.e. irregular troops.

¹⁰⁴ 'Young Maravah', probably a mistaken translation of 'Chota Maravah', which means the province of Shivganga or the Lesser Maravah.

¹⁰⁵ I think 'havildars' must be a mistake for 'beldars', i.e. diggers or pioneers. Lieutenant-Colonel Bonjour, in a letter to Council dated 25 May 1772, says he took Tripawanum by a *coup de main*, having no artillery. He used two petards and lost 'only one private artilleryman killed and one Sergeant, one Bombardier, badly wounded by accident of the quick match of the Petard, which was too short, not giving them time to avoid the explosion, and carelessness in loading a mortar'. In a certificate dated 17 May 1786, Major John Oldham says Mir Sahib, on his recommendation, commanded the party of sepoys who accompanied the petard to the gate.

Our detachment having remained in the fort four or five days, during which we were joined by General Mathews and his cavalry,¹⁰⁶ now marched against Callicoil fort, situated in the centre of a Jungle, the capital of the Raja. By this time General Smith had successfully subdued Ramnad-pooram,¹⁰⁷ and was returning with his Highness, the young Nawab, to join our detachment, which was done at a redoubt on the high road leading to the entrance of the jungles. At this place the whole army of the Raja, consisting of twenty thousand fighting men, were posted under command of his head general to oppose our march. From the formidable appearance the enemy made, the General thought proper to hold a Council of War, with a view to discover some other road to the Raja's garrison, for, in the situation our army lay, the jungle appeared impervious on every side. Fortunately there was the Amuldar¹⁰⁸ of the Madura country with our detachment, whom Colonel Bonjour directed to discover some person acquainted with the Jungle, that would lead his detachment to the Raja's fort. Luckily after much enquiry a person was found that undertook the enterprise. In this negotiation I acted as interpreter. Our detachment in consequence left the encampment at eight o'clock in the evening, attended by our guide and the Amuldar. This night we marched ten or twelve miles, and by daybreak arrived at the extremity of the jungle and near to the private road our guide had described, but such was the narrowness of the path that we were compelled to leave our field-pieces and baggage behind in the charge of General Mathews, then Captain Commandant of Native Cavalry. Colonel Bonjour now proceeded with a party consisting of five companies of General Mathews' infantry. The road we had to march was so extremely narrow that our party were compelled to march by Indian file, and in this position we continued our route from six o'clock in the morning until twelve o'clock at noon. Notwithstanding the excessive heat, and on a road where no water could be had, we arrived at the garrison and marched in at a wicket door, which was left open by the people that were fetching water from a neighbouring tank. In this manner our party came upon the Raja and his retinue by surprise. They attempted with the body-guard, some pikemen, &c. to drive us out of the fort, but we discharged a volley, and the Raja and some of his family were killed by a musket shot and the body-guard and other armed men, after a little resistance, were made prisoners.¹⁰⁹ Now the Colonel proceeded with a party to a place where was found treasure and jewells to a large amount. He took charge of the treasure and placed the guard himself to prevent plunder. We were not long in possession of the fort when I discovered a party from the Raja's Grand Army, that had been posted at the redoubt at the entrance of the jungle, attempting

¹⁰⁶ Captain Mathews was for some time in command of a newly formed body of cavalry.

¹⁰⁷ Ramnadpooram was taken on 2 June 1772.

¹⁰⁸ Amuldar or manager and collector of revenue.

¹⁰⁹ The surprise and death of the raja afterwards gave rise to much misrepresentation. He had concluded terms with General Smith and the latter sent word to Colonel Bonjour, but the messenger was not able to reach him. When Bonjour appeared therefore in the fort the raja, suspecting treachery, attempted resistance (Colonel William Fullarton's *View of the English Interests in India*, introd., p. xiv).

to surround the fort. I instantly reported this circumstance to Lieutenant Oldham, who ordered me to take a company of sepoy and endeavour to disperse them. I had the happiness to complete this service with success, although the enemy appeared to be to the number of three or four thousand.¹¹⁰ The following morning General Smith and the young Nawab arrived in the fort of Callicoil.

In both expeditions against Tanjore I was ordered by Captain Godfrey to lead the storming party.¹¹¹

In the year 1780 Hyder Ally came a second time into the Carnatic in consequence of which five companies of our battalion were left to garrison Cuddalore under the command of Captain Hughes,¹¹² the other five companies were in the field with Sir Eyre Coote's army. To the latter I was attached and was present at the battle of Turab Porto Novo¹¹³ and other engagements. Afterwards it was my lot to join the five companies in the Cuddalore garrison when it was besieged by the united force of the French and Tippoo.¹¹⁴ The garrison falling into the hands of the enemy, the troops were made prisoners and sent to the Company's Garden House,¹¹⁵ where Tippoo's army then lay. The French General Desmong,¹¹⁶ endeavoured to persuade us to engage in their service and threatened to deliver us over to Tippoo if we refused. We all to a man stood firm to our resolution and would not listen to anything the French said. The evening being very dark, myself and two other native officers made our escape and arrived at Tanjore, and in about eight days one hundred of the sepoy, encouraged by our example also made their escape to this place. I immediately waited upon Mr. Sullivan,¹¹⁷ then Resident, and Major Alcock,¹¹⁸ Commandant of the garrison, when these gentlemen directed me to raise as many recruits as possible, which I accordingly did, and in a few days was able to muster five complete companies. I was now ordered to take the charge of marching them to the Presidency to join five other companies under Lieutenant Fraser,¹¹⁹ Adjutant of the twelfth battalion, and although these recruits were leaving their native country and harassed by the enemy, I took such special care on the march to Madras, that not a man deserted or a casualty happened. Shortly after peace was happily restored, and in the following year, 1785, I was placed on the Invalid Establishment

¹¹⁰ This exploit is confirmed by Major Oldham in the certificate already referred to above.

¹¹¹ On 27 October 1771 the raja of Tanjore surrendered without standing an assault, and on 17 October 1773, when the breach was stormed, there was practically no defence.

¹¹² Captain James Hughes, entered the army 4 March 1765, captain 26 November 1772.

¹¹³ Porto Novo. The battle was fought on 1 July 1781. Wilks (*History of Mysoor*, ii. 310) mentions a large lagoon or lake near the battle-field, which might account for the prefix Turab or Tulav, meaning tank or lake.

¹¹⁴ Captain Hughes surrendered Cuddalore on 8 April 1782.

¹¹⁵ Cuddalore and Fort St. David being very near each other, Mir Sahib is referring to the scene of the exploit mentioned in the early part of his narrative.

¹¹⁶ M. Duchemin de Chenneville.

¹¹⁷ John Sullivan, Company's servant.

¹¹⁸ Hugh Robert Alcock entered the army 2 December 1763, lieutenant-colonel 29 May 1783.

¹¹⁹ Peter Frazer or Fraser entered the army 18 December 1780.

in consequence of my long service and being worn out in actual scenes of military operations.

In the year 1788 Sir Archibald Campbell¹²⁰ then being Governor of Madras, Major Dirom,¹²¹ who transacted the Governor's private business and with whom I had some acquaintance—he also knew my zeal for the Company's welfare—and therefore sent for me and said he was authorised by the Governor to select a proper person adequate to the performance of an arduous and intricate service of the utmost importance to the Honourable Company, and was pleased to say that he knew himself, as also upon the authority of other gentlemen, my abilities, attachment and loyalty to the Government, adding that he was convinced that no person could be found so well calculated to perform the task with address and propriety as myself, with many other compliments. Colonel Dirom now proceeded to open the nature of the business, which proved to be of no less importance than to establish a train of correspondence and friendly intercourse with some of Tippoo's principal *sirdars* or officers. I replied to the Major that I was old and infirm, and being on the Invalid Establishment and my pay being reduced to twenty-seven pagodas I imagined this would preclude my engaging in the service, moreover that were I discovered I should be punished with instant death, then what would become of my large family, who would be left destitute by being deprived of their support, viz. my monthly pay? Colonel Dirom, allowed (*sic*) the justness and feeling the weight of my observations, induced me to make the following proposition, viz. that if Government would grant to my family and their descendants the same allowance that had been made to the family of the Commandant of the first native battalion¹²² a long time previous to his death, I would on such conditions undertake the service. Colonel Dirom on the part of Government most readily agreed to my proposal, and accordingly I arranged some necessary preparations and proceeded on the journey with a confidential servant of my own to Buckshee Khoorbanally Cawn,¹²³ a principal and confidential *sirdar* in Tippoo's service and then Commandant of Punganoor fort. When I arrived within ten miles of the fort I was taken prisoner on the road by Tippoo's posted guard, who detained me in confinement four days and then told me I must be sent prisoner to Tippoo, who at that time was committing depredations on the Malabar Coast. However with my ingenuity and address and paying

¹²⁰ Sir Archibald Campbell was governor of Madras and commander-in-chief from 6 April 1786 to 7 February 1789.

¹²¹ Lieutenant-General Alexander Dirom, author of *Narrative of the Campaign in India which terminated the War with Tippoo Sultan*.

¹²² As there are no lists of native officers and no army orders for this period at the India Office, it is not possible to ascertain the name of this officer. In the *Madras Military Consultations* of 14 February 1783 there is mention of a certain Shaikji commandant who had served in the first battalion. An officer of this name had served with Clive at Arcot (Orme MSS., India, iii. 651), and might therefore, if the same, have been peculiarly favoured.

¹²³ The title of Buckshee meant properly 'paymaster', but was often used of commanders of high rank. In 1797 Colonel Alexander Read obtained a pension for Karumah Beeby, the widow of Khoorban Ally, and an advance of money for his brother Musa Sahib (Letter no. 91, Madras Military Miscellany Book, 1–14 November 1797).

a few pagodas I obtained my release. Afterwards I personated a fakeer ¹²⁴ and proceeded on my journey to the fort commanded by Buckshee Koorbanally Cawn without molestation. These circumstances are known to Colonel Reade.¹²⁵ I concealed myself in the day and using my utmost exertions to arrange and facilitate an interview with the Buckshee, I at last, after various endeavours, obtained a personal audience with him, and having tried his disposition by many arguments, I ventured to impart to him the terms of my embassy, and with much difficulty and persuasion brought him to make a solemn declaration that he would be a friend to the English and keep a regular correspondence with the Madras Government, and I also prevailed with him to give a letter to present to the Governor to this effect, and he likewise promised to bring over to the Company's interest many others of Tippoo's principal *sirdars*. Having thus procured a satisfactory answer and established an advantageous correspondence for the Honourable Company, as above related, I took leave and proceeded to Madras, where I arrived after many hazardous difficulties, and delivered the letter to the Governor in the presence of a confidential servant of Koorbanally Cawn. By this servant the Madras Government sent many presents to the Buckshee.¹²⁶

I hope I may without exaggeration state that in a great measure from my having in so complete and effectual a manner established the above recited correspondence our good success in the campaigns of 1790 and 1792 in some degree happily proceeded.

Notwithstanding my long faithful services, the way of life I have been engaged in from my youth has never enabled me to make such a provision for the future as to be able to leave my family in independence. I therefore trust and hope their value will not be lost in the consideration of Government from their having occurred at an early period of the establishment of the British interests in India, when the exertions of one individual were often calculated to produce more extensive effects than those of even a number of persons at present.¹²⁷ It is an established principle in every wise Government to encourage future by the reward of former exertion, and I trust that so small a pittance as would suffice to provide for my family will be granted, no less from a retrospect of my humble services

¹²⁴ A Muhammadan religious mendicant.

¹²⁵ Colonel Alexander Read.

¹²⁶ The success of Mir Sahib's mission is confirmed by the *Madras Military Consultations* of 21 October 1788, as may be seen from the following extracts:

'The Commander-in-Chief begs leave to recommend to the Board that Meer Sahib, Invalid Sepoy Commandant, may have the allowance for a Palanquin.'

'Meer Sahib has served the Company with great zeal and merit for forty years and has recently been employed on a dangerous negotiation in Tippoo's country for gaining intelligence, which he settled very speedily and much to my satisfaction.'

'His allowance for a Palanquin, if approved by the Board should commence from the 1st of August, the time of his return from that service.'

'Ordered accordingly.'

Mir Sahib received a certificate mentioning his good conduct in this expedition from Major Dirom, then deputy-adjutant-general to the king's forces in India.

¹²⁷ This passage recalls Orme (*History*, i. 219): 'The actions of a single platoon in India may have the same influence on the general success as the conduct of a whole regiment in Europe.'

than from a view to the impression which such an act of bounty and protection will be calculated to produce in the Service at large. I therefore humbly hope that, by the blessing of God, the provision promised to be made for my family, in compensation for my undertaking and happily accomplishing so dangerous, difficult, and arduous a task, may be ultimately granted to my family and their posterity, so that they may live in credit under the Honourable Company's auspices.¹²⁸

(To be continued.)

¹²⁸ In the original there follow a number of certificates from officers under whom Mir Sahib had served or with whom he was acquainted, namely, Major John Oldham, Colonel Ross Lang, Major James Hughes, Captain George Muatt, Deputy Adjutant-General Alexander Dirom, Major-General William Sydenham, Major Richard Gomonde, Lieutenant Peter Frazer, and Captain William Orrock. It is unnecessary to insert them here as they merely repeat information already given, but references to many of them will be found in the notes.

Notes and Documents

Senlac and the Malfossé

THE name Senlac for what was and is usually called the battle of Hastings was introduced by Freeman into English history solely on the authority of Ordericus Vitalis.¹ The great Anglo-Norman historian describes Harold's forces as assembling for the battle 'ad locum, qui Senlac antiquitus vocabatur',² and the battle itself as being fought 'in campo Senlac'³ or 'in epitumo Senlac'.⁴ Elsewhere he calls the battle 'certamen Senlaciū'⁵ or 'bellum Senlaciū',⁶ and states that Battle Abbey was founded by William at Senlac.⁷ Freeman remarks that Orderic 'cannot have invented the name, which evidently survives in "Santlaches", "Saintlake", &c. (in various spellings), "the Lake", "Battle Lake", and so forth, the local names for the south-eastern part of the town of Battle'. He regards 'Sanglac' or 'Sanguelac', which are known as variants, as simply a French pun on the name.

¹ *Norman Conquest*, 2nd edition, iii. 758.

² *Historia Ecclesiastica*, ed. Le Prévost, lib. iii, c. 14 (ii. 147).

³ Lib. vi, c. 2 (iii. 3).

⁴ Lib. vii, c. 15 (iii. 242). The strange word *epitumo* is so written in the twelfth-century Vatican MS., fo. 68^r, as appears from the facsimile (*Orderici Vitalis Angligenae, Coenobii Uticensis monachi, Historiae Ecclesiasticae libri VII et VIII, e Codice Vaticano Reg. 703a phototypice descripti, annuente Bibliothecae Apostolicae Vaticanae Consilio, cura et sumptibus Sodalium Gallicae Historiae nec non et Chartarum Scholae*, Paris, 1902). The greater part of the seventh and the whole of the eighth book are missing from the only other twelfth-century copy (Paris, Bibl. Nationale, MSS. lat. 5506 i, ii, and 10913), which Delisle considered to be Orderic's autograph. Facsimiles of two pages of this manuscript are given in the privately printed *Matériaux pour l'édition de Guillaume de Jumièges préparée par Jules Lair, Membre de l'Institut, avec une préface et des notes par Léopold Delisle*, 1910. They do not include this passage or the one in lib. x, c. 9 (iv. 60), where Orderic speaks of the pitching of Rufus's tents 'in epitimio spatioso' beyond the bridge over the Huisne near Le Mans. The reading in the printed text in this case is presumably that of the autograph, and should therefore be restored in the Senlac passage. Ducange's reference to Isidore's 'epithymum Graecum nomen, quod Latine dicitur flos thymi; nam flos Graece θύμονος vocatur' (*Etymol.* xvii. 9, 13) has led the local guide-books of Battle to say that Orderic speaks of 'the thyme-clad field of Senlac', which can hardly be his meaning.

⁵ Lib. iv, c. 7 (ii. 223); vi, c. 10 (iii. 86).

⁶ Lib. iv, c. 19 (ii. 294); viii, c. 3 (iii. 283); ix, c. 16 (iii. 612).

⁷ Lib. iv, c. 1 (ii. 163).

It is natural to connect the local name at Battle with Senlac, and there is nothing improbable in the supposition that Orderic has recorded the English name of the site of the great battle. He was born in England; his name was that of his English godfather, Ordric the priest of Atcham, in Shropshire; he spent the first ten years of his life in this country, and was taught for the latter half of that period by an Englishman named Siward, who must have instructed him in English, for Orderic, in his pathetic account of his life, describes how, on his arrival in Normandy as a *tenellus exul* at the age of ten, he heard a tongue that he did not understand.⁸ He called himself *Angligena*, shows sympathy and admiration for the English, and visited this country on two occasions in later life. Monks of his monastery at St. Évroul, which derived much of its revenues from possessions in England, made frequent journeys to this country. His monastery was the retreat of many old soldiers, including veterans of William the Conqueror's campaigns. We know that he was keenly interested in men and countries, and that he was a man of restless curiosity.⁹ Freeman has noticed the delight that Orderic seems to take in repeating the name Senlac. It was a name that did not occur in the earlier Norman historians of the battle, William of Poitiers, whose work was before him when he drew up his account of the battle of Hastings, and William of Jumièges, whose work he transcribed in his own beautiful hand.¹⁰ It was an addition to their facts upon which he evidently prided himself.

Dr. Round, however, regards the name as a 'fad', not to say an invention, of Orderic's. In his dashing onslaught upon Freeman's description of the battle he lays great stress upon the un-English appearance of the name. He writes :

To any one acquainted with 'Old English', it must instantly occur that 'Senlac' is not an English name. Mr. Freeman glided over this by simply ignoring the difficulty, but was he aware that the name in question, as 'Senlecque' (or 'Senlecques') is actually found—in France? . . . How came a French 'Senlac' in 'Old English' Sussex? The name is as obviously foreign as 'Senlis' itself, and the occurrence, in later days, of 'Saintlache' as a local field-name, cannot avail against this fact, or prove that this open down, in days before the Conquest, could have borne such a title.¹¹

The validity of this argument obviously depends upon two assumptions, (1) that Senlecques and Senlac are identical names,

⁸ Lib. v, c. 1 (ii. 301); xiii, c. 44 (v. 134, 135).

⁹ See Delisle's account of his life in the fifth volume of Le Prévost's edition, p. xxxii seqq.

¹⁰ A facsimile of this manuscript is given in full in the *Matériaux pour l'édition de Guillaume de Jumièges*.

¹¹ *Quarterly Review*, July 1892, p. 9, reprinted in *Feudal England*, 1895, p. 339.

(2) that they are both French local names of Romance origin. The second assumption is at once ruled out of court by the presence of the *k*-sound. The French *lac*, with which one at first sight connects Senlac, is of learned origin, and therefore not likely to be found in local names. The Latin *lacus*, from which it is derived, was represented in Northern French by its popular descendant *lai*, and we know that this was the Norman form.¹² If Senlecques can be shown to be a local name of Germanic descent the argument that Senlac is a French, and therefore an impossible English, local name will fail entirely. No one will seriously maintain that the Kentish Sandgate must be branded as French and not English because there is a name of precisely the same formation in Sangatte near Calais.¹³ I do not know the etymology of Senlecques, but its geographical position makes a Romance origin improbable and a Germanic one all but certain.¹⁴ This village lies on the borders of Picardy and Artois, in a district where Flemish has been gradually receding before French for many centuries. In the thirteenth century the southern limit of Flemish was a line drawn from Boulogne to St. Omer.¹⁵ Senlecques is only six miles south of this line. In the section (xvi. 6) of the French government map containing Senlecques there are sixty or seventy names of unmistakably Germanic type. It is in a district in which Frank, Saxon, Frisian, and Dane have left their mark upon the local nomenclature, and in which names ending in *inga-tun* occur, a formation found elsewhere only in England.¹⁶ These names, if they do not actually record settle-

¹² Thus Wace, in reproducing Geoffrey of Monmouth's account of Loch Lomond, lib. ix, c. 6, calls it *li lais* (Roman de Brut, 9662). The common word for 'lake' in Norman local names is *mare*, Latinized as *mara*, a word of Germanic, possibly of Scandinavian, origin. William of Jumièges, lib. ii, c. 20, speaks of '*lacus, quem usu quotidiano loquendi maram vocamus*'. For Norman names see C. Joret, *Des Caractères et de l'Extension du Patois normand*, Paris, 1883, pp. 75 *seqq.*, and his *Mélanges de Phonétique normande*, Paris, 1884, p. 36. Orderic substitutes it, in true Norman fashion, for O.E. *mere* in *Ellesmara*, lib. xiii, c. 37 (v. 111), Ellesmere, Shropshire.

¹³ It occurs as *Santgata* in 1118 and *Santgate* in the thirteenth century (Joret, *Des Caractères*, p. 28, n. 4).

¹⁴ The final *s* of the name is, of course, the Old French nom. sing. sign, which was retained until a very late period in Picard. The same suffix occurs in *Eperlecques*, in the same department as Senlecques. The older forms of this name are *Sperleke*, *Sperleke*, latinized *Sperleca*, *Sperlecca*, *Sperleka* (*Cartulaires de l'Eglise de Térouanne, publiés par Thomas Duchet et A. Giry*, St. Omer, 1881; *Les Chartes de Saint-Bertin, . . . publiées par M. l'Abbé Daniel Haignerrie*, St. Omer, 1886). The name *Lecquedal*, in the same arrondissement as Senlecques (Joret, *Des Caractères*, p. 173), affords strong presumption of the Germanic origin of *lecque*. Joret, p. 172, claims these and similar local names in the north of France as of Germanic origin by reason of the *k*.

¹⁵ Professor Suchier, in Gröber's *Grundriss der romanischen Philologie*, 2nd edition, i. 720.

¹⁶ Heinrich Leo, *Rectitudines Singularum Personarum; nebst einer einleitenden Abhandlung über Landansiedlung, Landbau, gutherrliche und bauerliche Verhältnisse der Angelsachsen*, Halle, 1842, p. 26 n.; Georg Waitz, *Das alte Recht der salischen Franken*, Kiel, 1846, pp. 53 *seqq.*; Godefroid Kurth, *La Frontière linguistique en Belgique et*

ments by the conquerors of South Britain, must be derived from invaders more closely related to them than any of the Germanic tribes recorded in the local names elsewhere on the continent.

Senlac cannot, on these grounds, be a French name. There remain only two ways of explaining it. It is either an invention, and a motiveless invention, of Orderic's, or it is an English name spelt according to the Norman system of sound-representation. Arguments to disprove the former must be mainly of a subjective nature, and it is not necessary to consider them, for the evidence in favour of the second explanation is, I think, conclusive. Orderic usually spells English names in Norman fashion,¹⁷ just as do the scribes of the Domesday Survey in the vast majority of cases. The latter yields evidence that Norman scribes occasionally wrote *lac* for *lace* as the final member of an English compound local name,¹⁸ and the same spelling is even used by our English Eadmer,¹⁹ the friend and confidant of Anselm. The omission of the final syllable of *-lace* arises either from its weak pronunciation by English speakers, or, more probably, from the fact that an *e* in a similar position in Anglo-Norman was already ceasing to be pronounced as early as the twelfth century. It is retained by the late twelfth-century writer of the Battle Abbey Chronicle, who writes *Santlache* and, in a latinized dative singular, *Santlachae*. As he uses Norman spellings, in which *ch* represented the *k*-sound,²⁰ we can restore his *-lache* to *-lake*, which can only be the O.E. *lace*, the dative singular of O.E. *lacu* 'stream, watercourse',²¹ a native Germanic word not borrowed from the Latin *lacus* that is still in dialect use in the south of England. As the Battle Abbey

dans le Nord de la France, i. 530 *seqq.* ('Mémoires couronnés et autres Mémoires publiés par l'Académie Royale . . . de Belgique, collection in-8vo, vol. xlviii').

¹⁷ He spells *Eatta*, *Attingesham*, and *Scrobbsburia* (Norman spelling *Sciropesberie* in Domesday), places wherewith he was connected as a boy, in the English fashion.

¹⁸ *Fiscelac* (Fishlake, cò. York), i. 373 b, col. 2 (*Elmeslac*, *Pollac*, and other names in this county are not derived from *lace*; see *ante*, xxvii. 15 n. 66); *Adlach*, co. Oxford, i. 161, col. 1 (a lost name). In 1207 Standlake in the latter county appears as *Stanlac* (*Rot. Litt. Claus.* i. 170 a). Many other instances could be quoted, but only those derived from publications printed in record type can be trusted on this point, since final marks of abbreviation are usually and unfortunately ignored in those printed in modern type. In Old and Middle English pronunciation there was no such distinction in pronunciation between *lac* and *lake* as now exists. The only difference between the two was the presence or absence of an obscure vowel at the end.

¹⁹ *Historia Novorum*, pp. 70, 145, 196, where Mortlake is spelt *Murtelac*, as compared with *Mortelage* in Domesday.

²⁰ *Chronicon Monasterii de Bello*, (ed. by J. S. Brewer), London, 'Impensis Societatis' (Anglo-Christianac), 1846, from Petrie's transcript. The scribe writes *Chent* (Kent), p. 29, *Chærmerdi* (Carmarthen), p. 55, *Chosham* (Cosham), Wiltshire, p. 51, and *Chapenore*, p. 19, for a place in Battle parish that is always called *Capenore* in the later documents.

²¹ By the time of Domesday the nom. *lacu* and the dat. sing. *lace* had become indistinguishable in pronunciation, but the dat. sing. (locative) is always the most probable in an O.E. local name. The word is recorded in the Sussex local names Lakehurst Wood (in Dallington), Rushlake Green (in Warbleton), and in Shiplake Hundred.

scribe unvoices the English *d* after *l* in *Gilthalla* for O.E. *gildheall*,²² we may assume that he has done the same in *Sant*,²³ and accordingly restore the full name to O.E. *Sand-lace*, which must mean a sandy brook or a brook that brings down sand.²⁴ As the Norman scribes frequently omitted the *d* in English compounds in *sand*,²⁵ it is obvious that *Sandlace* might be written by a Norman scribe *Sanlache* or *Sanlac*. From the latter to Orderic's *Senlac* is a short step, and the Old French confusion of *an* and *en* may be called upon to justify it.²⁶ Orderic himself latinizes *Dene*, the Forest of Dean, as *Dana*.²⁷

It cannot be mere coincidence that the name of Sandlake thus extricated from *Senlac* and *Santlache* occurs as a name of part of the town of Battle. It may be found scores of times in deeds ranging from the twelfth century downwards in the sale catalogue of the Battle Abbey muniments.²⁸ It occurs as *Sanlake* in an undated thirteenth-century charter, and as *Seynlak* in one of 1343.²⁹ It is not clear whether the compiler of the catalogue always follows his originals in spelling the name Sandlake in the other cases. In charters of 1480, 1500, and 1522 we read of lands 'in the Tything of Sandlake within the borough of Battle.'³⁰ Sandlake was not, therefore, merely 'a local field-name', as Dr. Round describes *Santlache*, but an important administrative division of the parish of Battle.

²² p. 21.

²³ Compare the spellings of the continental *Sangatte*, above, p. 294, note 13.

²⁴ This name occurs as that of a brook at Brightwell, co. Oxford (Birch, *Cartularium Saxonicum*, ii. 568).

²⁵ Domesday has *Sanbec*, Cheshire, *Sanford*, Hampshire, and elsewhere, and *Sanher*, co. Gloucester (Sandhurst).

²⁶ Anglo-Norman is distinguished by keeping these sounds separate in rhyme, although *-en* had become *-an* in French as early as, if not earlier than, the eleventh century (Suchier, *Altfranzösische Grammatik*, Halle, 1903, p. 68; L. E. Menger *The Anglo-Norman Dialect*, New York, 1904, p. 54). But in Domesday and other records with Norman spellings English names in *-en* are frequently written *-an*, and this spelling has influenced the modern form and pronunciation in such cases as *Wandsworth* (O.E. *Wendles-weord*), *Hanley* (O.E. *Hean-leage*), &c. Benoît de Sainte-Maure writes *Hanley*, and also *Sanz* for *Sens*, *Lans* for *Lens*. Instances of *-an* for *-en* are much commoner than those of *-en* for *-an*, but they sufficiently prove that the two sounds were confused, at any rate graphically. The Domesday *Crenefort*, ii. 308 b, represents an O.E. **Cranesford* (now *Cransford*), as it is written in seven other instances *Cranesforda*, *Cransforda*, &c.

²⁷ Lib. iv, c. 5 (ii. 192). The village from which the forest is named is written *Dene* in Domesday, i. 167 b, col. 1.

²⁸ *Descriptive Catalogue of the original charters . . . constituting the Muniments of Battle Abbey . . . On sale by Thomas Thorpe, No. 38 Bedford Street, Covent Garden, London, 1835.* The collection, which was bound in ninety-seven folio volumes (M. A. Lower, *The Chronicle of Battel Abbey from 1066 to 1176, now first translated*, London, 1851, p. 212), was purchased from Thorpe by Sir Thomas Phillipps, Bart., and is still in his collection at Cheltenham.

²⁹ pp. 13, 72. The former may be merely an editorial or typographical error.

³⁰ pp. 123, 130, 137.

The Battle Abbey chronicler summarizes the Domesday entry of the 6½ hides that the abbot 'habet in suo rapo',³¹ and he states that all these lands are 'infra leugam', that is, within the 'leuga' that the church (i. e. abbey) of Battle 'tenet circa se'.³² He gives the boundaries of the 'leuga',³³ which seem to correspond with those of the parish of Battle. Some of these Domesday lands are in the parish of Battle, and some are names of parishes that impinge upon it. Sandlake is not mentioned. But the places that can be identified as still existing within the parish are on the outskirts of the parish. The conclusion seems evident: the names in the centre of the parish had been obscured by the abbey and the town that grew up round it.

It is noticeable that the compiler of the *Chronicon* identifies the word 'rape' with *leuga*. Dr. Round thinks that this need not imply a rape of Battle, but may merely mean 'in the rape of Hastings in which his (the abbot's) abbey stands, as opposed to the rape of Pevensey, in which the rest of his endowments lay'.³⁴ The chronicler's identification affords a more satisfactory explanation, which also accounts for half a hide being quit of geld (i. e. geld due from the *leuga*) 'quia foris rap'. The form *rope* quoted in the *New English Dictionary* from the Parliament Rolls, iii. 95b, in 1380, favours the derivation of this unexplained word from O.E. *rāp* 'rope'. As the old courts of the rape ceased to be popular assemblies, the word would naturally sink down to a merely legal word used only in written documents, and hence the old form would become fossilized instead of undergoing the normal development to 'rope'. A similar instance may be found in the word 'soke', which has arisen from the latinized *soca* of legal documents, since the O.E. *sōcn*, which was thus represented, had the same vocalic grade as the related 'sook' in 'forsook'. Lowland Scotch uses the correct descendant 'sucken'. In early Germanic law the place where the popular open-air courts assembled was enclosed with great solemnity to define the limits of the 'peace' of the court. For this purpose stakes and ropes were used.³⁵ Brunner has advanced the suggestion that the Sussex rapes derive their names from 'rope' by an extension of that word from the material for enclosing the place of the court to the court itself, and then to the district over which it exercised jurisdiction.³⁶ In his *Forschungen zur Geschichte des deutschen und französischen Rechtes*, Stuttgart, 1894, p. 737, in an article reprinted from the *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte*, 1883, germanische

³¹ Domesday Book, i. 17 b, col. 2.

³² *Chronicon de Bello*, p. 10.

³³ p. 33. The statement in the *Victoria History of Sussex*, i. 374, that William 'gave all the land within a measured circle round the (abbey) church (of Battle) of three miles radius; this circle constituted the "Lowey" or "Leuga" of Battle', takes the word *leuga* as a definite measure and ascribes to it too wide an extent. The *leuga* of Battle is not a circle, but a very irregular-shaped figure, which may be due to exchanges of lands within and without it.

³⁴ *Victoria History of Sussex*, i. 375.

³⁵ H. Brunner, *Deutsche Rechtsgeschichte*, Leipzig, 1887, i. 144; R. Schröder, *Lehrbuch der deutschen Rechtsgeschichte*, ed. 5, Leipzig, 1907, p. 43.

³⁶ Brunner, i. 145, n. 8; ii. 145, n. 20.

Abtheilung, iv. 235 *seqq.*, reviewing J. A. Fruin's *De oudste Rechten der stad Dordrecht en van het baljuwschap van Zuidholland*, 1882, he supports this view by citing the Dutch form of pleading recorded at Dordrecht, in which the plaintiff had to allege that the cause of action had arisen 'binnen den reep van Zuydholland'. The Dutch *reep* is of the same origin as the O.E. *rāp*, and it is certainly curious that the related Old High German *reiffa* is found glossed by 'territorium'. The Battle entry suggests that the word 'rāp' in the sense of 'court' or 'jurisdiction' was still in use in Sussex at the time of Domesday. The abbot was 'suae ecclesiae et leugae circumiacentis iudex et dominus' (*Chronicon*, Appendix, p. 189).

The places stated in the *Chronicon* to be within the *leuga* should be within the parish of Battle, if the parish and the *leuga* are identical. The first name in Domesday is *Bocheham*, which is identified with Buckholt in the adjoining parish of Westfield in the *Victoria History of Sussex*, i. 394. It is really Uckham, a *borga* in the north-east of the parish of Battle, for the manuscript of the *Chronicon* has *Uckeham* written over *Boccham* in the same hand; it is misprinted *Vochehant*. The details given by the *Chronicon* confirm this identification. The next, *Bece*, identified in the *Victoria History* with Beech, in the adjoining parish of Whatlington, is said in the *Chronicon*, pp. 10, 18, to be 'extra villam infra leugam', which agrees with an entry in the 'Lidger Book' in 1516-17, fo. 25v, that *Estbeche* in the *burga* of Middleborough was outside the liberty of the borough of Battle, which terminated near Caldback Hill.³⁷ This place must therefore be Beech near Caldback Hill.³⁸ *Wasingate* is identified in the *Chronicon* with *Bod'herstegate*, which lay near the Great Wood on the east of the parish, which still bears the name Bathurst in the old Ordnance Survey. *Nirefeld*, explained by the *Chronicon* as *Redrefeld* (printed *Nedrefeld*) appears to be Netherfield, in the north-west of the parish. Penhurst, Catsfield, Crowhurst, and Hollington are adjoining parishes. The remaining five are parishes that do not impinge upon Battle. Probably the explanation is that the lands in the adjoining manors were really within the *leuga*, and have become merged in Battle parish. The portions belonging to the five remote places may have been originally detached portions lying within the *leuga*, just as detached portions of Battle parish now lie in Sedlescombe and Whatlington. The former is probably the land in Sedlescombe that in the rentals is described as being within the *borga* of Sandlake. If these suggestions are correct, the lands belonging to the remote manors or parishes would bear a strong resemblance to the *Denbere* of the Kentish charters, which were portions of woodland often at some considerable distance from the manor to which they belonged. In the same way the wood called 'Penge' belonged to Battersea.³⁹ Penge is still in Battersea parish.

³⁷ Compare also the *Westbece* of the *Chronicon*, p. 11. For the Lidger Book, see below, p. 300 and note 47.

³⁸ Compare Thorpe's *Catalogue*, pp. 20, 21, 30, 42, 60, 68, 69.

³⁹ *Ordnance Survey Facs.* III. ii, plate 3; *Cart. Sax.* iii. 189, dated 957, a late twelfth- or early thirteenth-century facsimile charter, not 'nearly contemporary', as stated by Birch.

The chronicler gives an interesting list of the *mansurae* held by the townsmen, who 'ob eiusdem loci permaximam excellentiae dignitatem, burgenses vocantur'.⁴⁰ These *mansurae* were obviously, from the indications given, in the main street, now called 'Upper Lake' and 'Lower Lake', which skirts the abbey precincts on the north and east. The chronicler then proceeds to give an account of the lands 'extra villam infra leugam'.⁴¹ Herein we read 'Santlachae usque ad domum infirmorum habentur xxx^{ta} acrae et una, qui locus Dune vocatur'.⁴² A notice of eleven acres 'iuxta villam in parte orientali' of the fee of Uckham, called 'Cook's Land' (*terra Coci*), is followed by the entry 'post illas iacent v. acrae usque iuxta Santlache, quae similiter v. denarios reddunt. Ibi est et(iam) i. acra, ubi domus, quae Gilthalle vocatur, stat.'⁴³ A little lower down we read 'Duæ etiam Gilthallae sunt in eadem villa, una, ut supradiximus, in Santlache, quae vocatur Gilda Sancti Martini. Alia vero in parte occidentali villae, qui locus vocatur Claverham. <T>ertia autem est extra villam iuxta vivarium, quod est supra Quarrere, ad opus rusticorum, qui sunt extra villam.' The guildhall in Santlache is here said to be 'infra villam', that is, within the area covered by houses adjoining the abbey precincts, and it was dedicated to St. Martin, the patron saint of the abbey. This guildhall must have been very close to the abbey.

In a collection of Battle rentals written in the second quarter of the thirteenth century we have a list of rents in 'borga de Sandlake', and in other *borgae*, and of the 'census Burgi de Bello'.⁴⁴ The latter is the word 'borough'; the former is obviously a latinization of O.E. *borg*, familiar in the compound *frið-borg*, and here, as in Kent, meaning the district of a *frið-borg*. In the 'Liber Regius Monasterii de Bello', written about the end of the century, we have entries of lands in 'Sandlake', including a messuage 'iuxta la Quarrere' and a tenement 'iuxta Hospitale'.⁴⁵ This must be compared with the entry in the Battle chronicle: 'Est terra quaedam, quae iacet inter pomarium, quod est contiguum curiae, et vivarium, quod est a parte australi, quae vocatur Quarrere, et sunt ibi iiii. acrae. Ex alia parte viae iuxta pomarium, quod est coniunctum domui, quae vocatur Hospitalis, sunt duæ acrae in Herste.'⁴⁶ That is, the land in Quarrere, in Sand-

⁴⁰ pp. 12, 17.⁴¹ p. 17.⁴² p. 19.⁴³ p. 20.⁴⁴ Public Record Office, Augmentation Office, Miscellaneous Books, no. 18, fo. 20.⁴⁵ Public Record Office, Augmentation Office, Miscellaneous Books, no. 57, ff. 10, 11.⁴⁶ pp. 19, 20. The place called 'Herste' is mentioned at p. 7, where it is said that the monks wished to erect the abbey there instead of on the site of the battle, it being 'in humiliori non procul loco versus eiusdem collis occidentalem plagam'. If this is the same Herst, it must have extended south of the abbey to the Hospital. This can hardly be the 'domus peregrinorum, quae Hospitalis vocatur' of p. 12, as that was

lake, lies between the orchard adjoining the court (not the later Court House) of the abbey and the stew to the south. This proves that land immediately south of the abbey buildings was in Santlache or Sandlake. The second entry may be compared with the 'Lidger Book of Battle', which contains a rental dated 8 Henry VIII (1516-17):⁴⁷

Sanglake, videlicet infra burgh(um) ville de Bello.—Ex parte occidentali regie strate burge de Sanglake, incipiens ad mesuagium quondam Roberti Umfrey. Et sic de eodem mesuagio, et quolibet mesuagio et qualibet parcella terre ab ultimo confinio usque ad murum abbatiae.

Another rubric occurs at fo. 14 :

Ex parte orientali de Sanglake, incipiens ad Hospitale. In cuius parte dicunt, quod dominus non habet aliquem redditum inter dictum hospitale et tenementum Benedicte Berge, quondam Thome Leyr, quia pertinet sacrist(ario) et elemos(inario).

Here again we have property in Sandlake abutting upon the abbey wall. Whether the abbey itself was in Sandlake does not appear. Such evidence could hardly find a place in an abbey rental. The abbey itself would naturally be exempt from the *borga* or tithing. It is certain that the *borga* of Sandlake marched with the abbey precincts from the south-east corner to a spot opposite the parish church on the north,⁴⁸ and that some part of the *borga* was south of the abbey. Even if the abbey-site was never within the *borga* of Sandlake, these facts prove that the spot where Harold fell and where the high altar of the abbey was erected was within a few yards at most of the limits of the *borga* of Sandlake. Surely this alone is sufficient to justify Orderic's statement that the site of the battle and of the abbey was known as Senlac, or, as we must write it in English, Sandlake.

But was he justified in saying that it was so called before the battle? Here we have no evidence beyond probabilities to fall back upon. Uckham alone of the *borgae* of the *leuga* of Battle is mentioned in Domesday,⁴⁹ and that lay to the north-east of Sandlake. If we take the three *borgae* that alone came into the town, there can be no question that that of Sandlake bears the oldest name. The west of the town was mainly in the *borga* of Montjoy, which certainly cannot be a pre-Conquest name. Between it and Sandlake lay the *borga* of Middleborough, which can

to the west of the abbey near the abbey gateway. The Hospital seems clearly to be the 'domus infirmorum' of the *Chronicon*, pp. 19, 20, to the east of the town.

⁴⁷ Public Record Office, Augmentation Office, Miscellaneous Books, no. 56, fo. 10'.

⁴⁸ In the survey cited above, fo. 17, Middilborgh' commences on the north side of the street of the said *borga* at a messuage opposite the wall of the cemetery of the abbey. So in Thorpe's *Catalogue*, p. 147, in a later rental of 1594 the borough of Middleborough begins on the north side of the street at the west end of the church.

⁴⁹ See page 298, above.

hardly have received such a name until after the creation of Montjoy. It therefore seems probable that the hill where Harold fell and where William raised his great abbey was in a tithing, or hamlet, or possibly a higher or manorial organization, bearing the name of Sandlake, and that Sandlake itself, and consequently the brook from which it derived its name, was contiguous to the site of the abbey. There is a possibility that this land belonged to Harold's family, for Domesday records that Boccheham, which the abbey chronicler identifies with Uckham,⁴⁹ the tithing adjoining that of Sandlake, was owned by Earl Godwine. The adjoining manors of Whatlington and Crowhurst were owned by Harold himself, according to Domesday.

The corruption of the name Sandlake to Sanguelac is an old one, and was due to the fact that after heavy rain the ironstone causes the water of the little river Asten to be coloured red.⁵⁰ According to the Duchess of Cleveland, 'after heavy rains, a "gutter of blood" is always to be seen at the foot of the east side of the old abbey wall, where it fronts the church and the Upper Lake.'⁵¹ This is referred to in the twelfth century by William of Newburgh in an indignantly patriotic passage.⁵² Lambarde testifies to the belief in Elizabeth's time by the natives that 'Santlake, a place neare to Battel', derived its name from the streams of blood that were shed in the great battle.⁵³

Senlac suggests Malfosse, the site of the serious Norman loss during the pursuit after the battle. The name should be written Malfossé, for it is spelt *Malfossed* in the manuscript of the Chronicon, an older form of *fossé* with retention of the *d* (i. e. *ð*) into which the *t* of the Latin *fossatum* developed in Old French. In the printed text this has been misunderstood as *Malfos* followed by the Latin *sed*, although in the manuscript (fo. 9^v) it

⁴⁹ See page 298, above.

⁵⁰ Lower, *Chronicle of Battel Abbey*, p. 7, n. 13; *Contributions to Literature*, London, 1854, p. 71, where he states that 'but a few years since, the springs of chalybeate water hereabouts—the sources of the little river Asten—were believed to have received their redness from the blood of the slaughtered Saxons'.

⁵¹ *A Guide to Battle Abbey*, by C. L. W. C. (*Her Grace the Duchess of Cleveland*), Battle, s. a., p. 28, n. 2.

⁵² *Chronicles of the Reigns of Stephen, Henry II and Richard I*, ed. Howlett, i. 22 (Rolls Series). He dilates upon the blood-guiltiness of William 'cuius rei argumentum est quod a testibus fide dignis accepimus. In loco siquidem ubi victi Angli occubuerunt constructum est a victoribus monasterium nobile beati Martini de Bello nuncupatum; quod scilicet et ad homines aeternus foret Normannicae victoriae titulus, et ad Deum propitiatio pro effusione tanti sanguinis Christiani. Denique in eodem monasterio locus ille, ubi Anglorum pro patria dimicantium maxima strages facta est, si forte modico imbre maduerit, verum sanguinem et quasi recentem exsudat, ac si per ipsam rei evidentiam dicatur, quod adhuc vox tanti sanguinis Christiani clamet ad Deum de terra, quae aperuit os suum et suscepit eundem sanguinem de manibus fratrum, id est Christianorum.'

⁵³ *An Alphabetical Description of the Chief Places in England and Wales*. Now first published. London, 1730, p. 350.

is written clearly enough *Malfos-sed*,⁵⁴ with a hyphen as here given at the division of the name at the end of a line.

The various modern attempts to identify the Malfossé assume that it was the name of some natural feature, for which some justification may be found in the *Chronicon*, which describes it as 'miserabile quoddam in proximo spatioso protentum, ex naturali telluris hiatu, vel forsitan ex procellarum concavatione, praecipitium vaste patens, licet uti in vastitate dumis vel tribulis obsitum oculis minus praevideretur'.⁵⁵

Lower has remarked that there is no place near Battle that can be so described.⁵⁶ It is difficult to believe that *fossatum* could be applied to any such natural feature, and one is therefore not surprised to find the site of the Norman check thus described by William of Poitiers, the contemporary historian of the Conquest: 'Rediit tamen fugientibus confidentia, nactis ad renovandum certamen maximam opportunitatem praerupti vallis et frequentium fossarum.'⁵⁷ Freeman suggested the reading *valli* for the ungrammatical *vallis*.⁵⁸ The unique manuscript of William of Poitiers is lost, and we have therefore no means of directly proving this correction of Duchesne's text. But the reading *valli* occurs in Orderic, who embodies William of Poitiers' account of the battle in that of William of Jumièges,⁵⁹ whose work he had himself transcribed.⁶⁰ In the following quotation from Orderic, the italic portions are the words of Jumièges, the clarendon those of Poitiers, and the roman Orderic's own.⁶¹

Normanni, dum Anglos fugere viderunt, tota nocte Dominica eos ad sui detrimentum obnixè persecuti sunt. Nam crescentes herbae antiquum aggerem tegebant, ubi summopere currentes Normanni cum equis et armis ruebant, ac sese, dum unus super alterum repente cadebat, vicissim extinguiebant. Ibi nimirum fugientibus Anglis rediit confidentia. Cernentes enim opportunitatem praerupti valli et frequentium fossarum, in unum collecti sunt, inopinato restiterunt, et Normannis magnam stragem fortiter intulerunt.

An echo of this is found in William of Malmesbury's 'fossatum quoddam praeruptum'. Freeman doubts Orderic's 'antiquum aggerem', overlooking the fact that we have the contemporary authority of William of Jumièges for it. Orderic adds to the matter derived from this writer and from William of Poitiers the statement that Engenulf of Laigle was one of the victims of

⁵⁴ The form *fossed* is an archaic spelling that did not correspond to the pronunciation of the latter part of the twelfth century.

⁵⁵ *Chronicon*, p. 5.

⁵⁶ *Chronicle of Battle*, p. 6, n. 12; *Contributions to Literature*, p. 55.

⁵⁷ Duchesne, *Historiae Normannorum Scriptores Antiqui*, Paris, 1619, 203 C, D.

⁵⁸ *Norman Conquest*, iii. 503 n.

⁵⁹ Duchesne, p. 287 C.

⁶⁰ See above, p. 293, n. 10.

⁶¹ Lib. iii, c. 14 (ii. 149).

this reverse. Laigle is only a few miles from St.-Évroul, and Engenulf's family were benefactors of the monastery. It is therefore probable that Orderic had talked over the events of the battle with members of the Laigle family or with some of their men. The accounts of the check of the Normans thus endorsed by Orderic seems to imply that its site was some old fortification. From William of Poitiers, who refers this reverse in a marked manner to the night following the battle, it would seem to have occurred at some distance from the hill of Senlac or Sandlake. This rules out the location of the Malfossé (if that was the name of the place where the events recorded by the Norman writers took place) in the valley below the church of Battle, the site adopted by Freeman from Lower, since that is merely the northern side of the hill of battle.

The Hon. F. H. Baring has suggested a site for Malfossé near Saxon Wood in Battle,⁶² which is about half a mile distant from the abbey, and he thinks that this is supported by the occurrence of Mansers Shaw, which he connects with the *Manfosse* mentioned in Thorpe's *Catalogue*. But this must obviously be read *Maufosse*, and *Manser* probably represents an owner's name, that being an Anglo-French form of the name Manasser.⁶³

W. H. STEVENSON.

Some Irish Cistercian Documents

IN a bundle of Cistercian documents preserved at Dijon (Archives de la Côte-d'Or, Monastères Anglais, H. 407) are or were contained (*inter alia*) five documents from Ireland relating to the order. Four of these are grants from Irish kings and chiefs made in the early part of the thirteenth century to the house at Cîteaux, and the fifth is a letter from certain titular Cistercian abbots in Ireland to the abbot of Cîteaux dated 1628. The four thirteenth-century deeds were printed by M. D'Arbois de Jubainville in the *Revue Celtique* (vii. 81-7), but no attempt was made to identify the names of the witnesses, and the transcripts seem to have escaped the notice of writers on the subject. Mr. William Brown, F.S.A., has supplied me with independent transcripts of two of the early documents (nos. i and ii), which he made at Dijon in

⁶² *Ante*, xxii. 69.

⁶³ For the identity of *Manser* and *Manasser*, see the *Calendar of Patent Rolls*, 1247-58, where Isaac son of Maunser of p. 439 is called son of Manasser at p. 442. A Manasseh de Herst (perhaps the Herst in Battle of p. 299, n. 46, above) occurs as a witness in a deed relating to Sedlescombe in Thorpe's *Catalogue*, p. 20, and a William son of Manser de Herst at p. 25, and a Manserus de Scotegny at p. 43. Lower, *Contributions*, p. 137, mentions a Manser family as engaged in the iron trade in Sussex. Cf. *Mansers* (Bourne Place), near Tunbridge.

1908 and carefully revised on a second visit last year, and also with a transcript of the 1628 document (no. v), which appears to have been hitherto unpublished. Mr. Brown was at the time unaware that any of these documents had been printed. He did not see those numbered iii and iv, and thinks that they cannot now be in the bundle which he examined. Original grants from Irish kings and chiefs of the thirteenth century are very rare, and as these present points of interest and have not been adequately annotated, and as no. v does not appear to have been printed, I propose to give Mr. Brown's transcripts of nos. i and v, to describe the others, and to supply brief notes to all the documents with a view to identifying, so far as I can, the persons and places mentioned.

Mr. Brown's transcript of no. i follows the spelling and punctuation of the original more closely than that of M. D'Arbois, and is as follows :

I

Sciapt omnes tam presentes quam futuri. presens scriptum uisuri uel audituri. quod ego. C. Dei gracia Rex Connactie dedi et concessi et hac presenti carta mea confirmaui Deo et ecclesie beate Marie Cisterciensi. et fratribus ibidem Deo seruientibus pro anima patris mei et matris mee. et pro me ipso et uxore mea et liberis meis in puram et perpetuam elimosinam. quinque marcas argenti perpetuo annuatim. a me et ab heredibus meis domui cistercii. per manum abbatis de Mellifonte persoluendas. in subsidium et iuamen procuracionis quarte diei abbatum ad generale capitulum Cistercii quolibet anno conuenientium. quas. v. marcas argenti abbas de Mellifonte. a me et ab heredibus meis perpetuo annuatim in uigilia beati iohannis baptiste uel in Kalendis Maii recipiet transmittendas seu transportandas et tempore generalis capituli annuatim domui Cistercii tradendas. Volo autem et heredes meos ad hoc obligo vt quicunque in perpetuum post me regnabunt. et qui in regimen Connactie perpetuo michi succedent. siue sint filii mei. siue cognati siue consanguinei siue propinqui. siue extranei. quod sicut ego predictas quinque marcas argenti quandiu uixero annuatim domui Cistercii persoluam sic et ipsi perpetuo annuatim eidem domui et eodem modo et eodem in tempore totidem marcas persoluant. Et ut hec mea donatio. et predictorum heredum meorum obligatio in perpetuum firma stabilis integra et inconcussa permaneat. presens scriptum sigilli mei munimine roborau. Hiis testibus. Felice Tvamensi¹ archiepiscopo. Caro Clvainfertensi episcopo.² Dionissio

¹ Felix O'Ruanadha (O'Rooney), archbishop of Tuam from about the beginning of the thirteenth century. He retired in 1235 (*Cal. of Documents, Ireland*, no. 2296) to St. Mary's Abbey, Dublin, where he took the Cistercian habit and, in 1238, died (*Ann. of Loch Cé*, 1238).

² The list of bishops of Clonfert given by Ware and in Cotton's *Fasti* is defective from at least 1204 to 1248. In the National Museum, Dublin, there is preserved a very ancient seal with the legend 'S : CARVLI : CLONFERTENSIS : EPI'. It was probably struck for the above bishop.

Elfinensi.³ Caro ach[a]densi.⁴ Elya aladensi episcopis.⁵ B Mellifontis.⁶ D. de Buellio.⁷ D de benedictione dei.⁸ I. de Collowictorie⁹ abbatibus, Caro comitte de Maglvirg.¹⁰ Donchathid duce de Cloind

³ Dionysius O'Mordha, bishop of Elphin from 1215 to 1229, when he retired (*Ann. of Boyle*). He died in 1231 (*Ann. Loch Cé*).

⁴ Carus O'Tarpa, abbot of Mellifont and afterwards bishop of Achonry, died at Mellifont 16 January 1226 (*Chart. St. Mary's Abbey, Dublin*, ii. 288). His predecessor Clemens died in 1219 (*Ann. Loch Cé*). He is called Connmach O'Tarpa, bishop of Luighne, i. e. Achonry, in the *Ann. of Ulster*.

⁵ Aengus O'Maelfaghmhair (Mullover or Mullover), bishop of Ui Fiachrach Muaidhe, i. e. Killala, co. Mayo, died 1234 (*Ann. Loch Cé*; *Ann. Ulst.*, where the editor wrongly identifies the see with Kilmacduagh). Ware gives the preceding bishop as Cormac O'Turpaid, died 1226, but he seems to have misplaced the entry as to Connmach O'Tarpa, bishop of Achonry, mentioned above. O'Maelfaghmhair was bishop in 1224 (*Ann. Loch Cé*, i. 271). Aladensis is the usual form for the see of Killala. See list of bishoprics from *Irish Exchequer Memoranda*, ante, xviii. (1903) 500.

⁶ Mellifont near Drogheda, co. Louth, was the mother-house of several Cistercian monasteries in Ireland, and was regarded as their head. It was founded by Donough O'Carroll, king of Uriel, c. 1142, and was supplied by St. Bernard with monks trained at Clairvaux. The church was consecrated in 1157 (*Ann. Ulst.*).

B. abbot of Mellifont was a witness to a document to be dated before 1230 (*Chart. St. Mary's Abbey, Dublin*, i. 152). In the list of the abbots of Mellifont (*ibid.* ii. 219) we have Carus, who was elected bishop of Achonry in 1219, as mentioned above, then Michael, and next Gulielmus Brian; but the list is not complete.

⁷ The church of the monastery of Boyle, co. Roscommon, was consecrated in 1220 (*Ann. Loch Cé*). The fine ruins that remain are those of a great cruciform church in the transition style. The monastery was called a daughter of Mellifont, and the monks are said to have settled on the spot as early as 1161. O'Maebhrennuin (O'Mulrenin), abbot of Boyle, died in 1225 (*Ann. Loch Cé*), but his christian name does not appear.

⁸ According to the *Annals of St. Mary's Abbey, Dublin* (printed with the *Chartulary* of that house, ii. 264), this monastery was founded in 1151. It is doubtfully identified by Ware with the monastery of Athlone (*ibid.* p. 220). But that monastery was dedicated to SS. Peter and Benedict, is called de Innocentia, and in 1216 appears to have had a prior as its head (*Cal. of Documents, Ireland*, i. no. 693). From these facts one would suppose it to have been Benedictine rather than Cistercian. Elsewhere Ware suggests that the Monasterium de Benedictione was at Shrulle on the river Inny in co. Longford. We can only say with him, 'sed de hac re quaerant etiam alii.'

⁹ This monastery is now known as the abbey of Knockmoy, and its ruins are situated about six miles south-east of Tuam. It is said to have been founded by Cathal Croiderg O'Conor in 1189 or 1190 to commemorate a victory gained by him on the spot. No such victory, however, is recorded, and, moreover, O'Donovan has pointed out that the Irish name, *Cnoc Muaidhe*, is not the equivalent of *Collis Victoriae*, which would be *Cnoc Buaidh*. He therefore regards the Latin name as 'a fanciful translation' of the Irish, to be paralleled by the case of other Cistercian houses (*Four Masters*, 1218, note q). It was, however, an early, if not an original, name for the monastery, as this document shows, but there is no good reason to suppose that the name refers to 'victory' in any other than a spiritual sense. The existing buildings have been carefully described in the *Journal of the Royal Society of Antiquaries of Ireland* for 1904, pp. 244-53.

¹⁰ Cormac son of Tomaltach (Mac Dermot) of the Rock of Loch Cé is first mentioned in 1208. He became king of Moylurg, now the barony of Boyle, co. Roscommon, in 1218. Alone of the Sil Murray chieftains, he, along with David O'Flynn, supported King Aedh son of Cathal, in 1225 and 1227, against his rival of the house of Rory the last *ard-ri*. He died in the habit of a grey monk in the monastery of Boyle in 1244 (*Ann. Ulst.*; *Ann. Loch Cé*). Carus or Carolus seems here to stand for Cormac, while in the case of the bishop of Achonry it stood for Connmach. I take *g-mille* to stand for the ablative of *comes*, which seems to denote a higher title than *dux*. Cormac

Tomaltig.¹¹ Flaithfertach duce de Cloind Kathil.¹² David O floind.¹³ Fergal O taidg.¹⁴ Torberto senescallo nostro.¹⁵ Concorde cancellario nostro. Donato clerico nostro et notario qui hanc cartam scripsit et multis aliis.

The silken tag for the seal is attached to this deed, but the seal itself is gone. The deed is well written on parchment $6\frac{1}{2} \times 7\frac{1}{8}$ in dimensions.

There is an element of doubt as to the initial of the king of Connaught who made this gift. M. D'Arbois read it as O, while Mr. Brown, after comparing it with other capital C's in the document, thinks it is a C, though a closed C, easily to be mistaken for an O. As will be seen from what we know about the witnesses, the earliest date to which the document can be assigned is 1219, and the latest is 1224. Now in this latter year, on 28 May, Cathal Crovderg O'Connor, king of Connaught, died.¹⁶ He was succeeded by his son Aedh. If then we read C we must attribute the donation to Cathal. If we read O we might readily regard that letter as standing for Aedh, as in other Latin documents of about the same time Aedh appears as Od., O., or Oethus.¹⁷ The determination of the point is of the less importance, as in any case I think we should ascribe the document to shortly before, or (possibly) immediately after, the death of Cathal. He died 'in the habit of a monk after triumphing over the world and the devil', in the Cistercian monastery of Knockmoy which he had founded, and it is natural to suppose that the five principal bishops of Connaught, the four Cistercian abbots, and the chiefs and others who witnessed the donation had been summoned

was a *righ* (king), while Mageraghty and O'Flannagain were *taisighe*, or chieftains, of their respective territories. Some such title as *comes* seems to be required here.

¹¹ According to the *Four Masters*, Donchathaigh Mac Airechtaigh (Donneahy Mageraghty), chief of Clann Tomalty, died in 1224 on his pilgrimage at Toberpatrick, i.e. after he had retired to the monastery of Ballintober. The entry is placed after that concerning King Cathal's death. Next year his son, Donn Og Mageraghty, along with Flaherty O'Flannagain, rebelled against King Aedh and supported his rival, the son of Rory O'Connor. If our deed is to be ascribed to Aedh son of Cathal, it would seem that it must have been executed in 1224, after Cathal's death on 28 May and before the death of Donneahy Mageraghty, which we must suppose took place later in the same year.

¹² Flaithbheartach (Flaherty) O'Flannagain, chief of Clann Cathail—a tribal district lying to the south of Moylurg—is first mentioned along with Cormac son of Tomaltach in 1208. In 1225 he turned against King Aedh, and in 1231 he died in the monastery of Boyle (*Ann. Loch Cé*).

¹³ David O'Floinn (O'Flynn), chief of Sil Maelruain, supported King Aedh in 1225 (*Ann. Loch Cé*), and died in 1228 (*Ann. Ulst.*). His territory included the parish of Kiltullagh, co. Roscommon.

¹⁴ Fergal O'Taidhg (Farrel O'Teige), 'dux of the household of Cathal Crovderg O'Connor and of that of his son [Aedh] after him,' pledged himself to the sons of Rory in 1225, but violated his oath and was slain in 1226 (*Ann. Loch Cé*).

¹⁵ Toiberd, son of a Gall-Gaeidhel, one of Cathal Crovderg O'Connor's stewards (*reachtairidhe*), is mentioned as one of the hostages forcibly taken by King John in 1210 and restored next year (*Ann. Loch Cé*).

¹⁶ *Ann. Loch Cé*.

¹⁷ *Cal. of Documents, Ireland*, i, nos. 1184, 1195, 1402.

to the death-bed of the aged monarch—perhaps partly with a view to securing the succession to his son Aedh. Cathal was evidently high in favour with the church, and in particular with the Cistercian monks whom he had benefited in his lifetime and among whom he died. Aedh, on the other hand, during the four years of life that remained to him, was engaged in a bitter and losing struggle to maintain his position as king, and was killed in 1228. The evidence as a whole, therefore, points to Cathal as the grantor, shortly before his death.

The special assignment of this contribution in aid of ‘*procuratio*’ or entertainment, as of the other contributions hereafter mentioned, to the fourth day of the general chapter may probably be explained by the fact that Richard I gave the church of Scarborough to the church at Cîteaux ‘*ad procurandos omnes abbates apud Cistercium p[er] tres dies capituli generalis*’. This grant and other documents relating to Scarborough are preserved at Dijon in the bundle containing the Irish deeds.

II

This is a similar grant, *mutatis mutandis*, from Donatus Carbreach, rex Tuadmonie, i.e. Donough Cairbreach (of Carbury) O’Brien, king of Thomond. The amount given was two marks yearly by the hand of the abbot of Magio (Monasteranenagh). Donough was son of Donnell O’Brien, who died in 1194. He was a faithful vassal of the Crown and supporter of the English up to his death in 1242. His wife Sadhbh, called in this deed Sabina, was daughter of O’Kennedy, chief of Glen Omra, now the parish of Killokennedy, county Clare. She died in 1240.¹⁸

¹⁸ *Ann. Loch Cé*. The witnesses are as follows:

Hubertus Lumnicensis episcopus. Hubert de Burgh, bishop of Limerick (Ir. *Luimnech*). He was son of William de Burgh (who is said to have married a daughter of Donnell O’Brien), and brother of Richard de Burgh, the future conqueror of Connaught. The preceding bishop, Edmund, is said to have died in 1222 (Ware), but the see was still vacant on 11 March 1223, when the king ‘granted the custody of the vacant bishopric to the Prior of Athassel’, i.e. to Hubert de Burgh (*Cal. of Documents, Ireland*, i, no. 1090). Hubert died in 1250.

Henry Imilicensis episcopus. Henry, a Cistercian and abbot of Bindon in Dorsetshire, was consecrated in 1210 (Ware). In July 1215 he was with King John, and obtained a grant of a fair at Emly. He was dead and the see vacant in April 1228 (*Cal. of Documents, Ireland*, i, no. 1589).

Iohannis Finnaborensis episcopus. Ware’s catalogue of the bishops of ‘Fenabore’ or Kilfenora (*Cell Finnabrach*) is ‘lame and imperfect’. It commences with Christian, ob. 1254, and so does the list in Cotton’s *Fasti*. There is a seal in the National Museum at Dublin inscribed ‘SIGILL . EP[iscop]ALE . I[ost]ris . EPI FENNEB[ur]’, but it is ascribed, with probability, to a seventeenth-century bishop of that name.

F. Rossensis episcopus. In Ware’s list of the bishops of Ross or Ros Ailithir, now Roscarbery, co. Cork, is given Florence, a monk, who was consecrated in the time of Pope Innocent III. He is there stated to have died in 1222, but I cannot find the authority for this date. Perhaps it should be at least a year later. On 7 May 1224 there was a papal mandate to the bishops of Emly and Kilfenora, on petition of

III

This is a grant of the same date as no. ii in the following form :

Sciant . . . quod ego Catholicus O'Grade et Slani [*Slaine*] uxor mea xx denarios. et ego Duncon O'Kenedig et uxor mea Gormelyth [*Gormlaith*] xiid. et ego Donatus Oliddida et Reignild [*Raghnailt*] uxor mea xiid. et ego Rodri O'Heyda et Dufcoblic [*Dubchoblaigh*] uxor mea xiid. et ego Donatus O'Deit et Dubella [*Duibessa*] uxor mea xiid. et ego Donatus Mac Lono-chain et Eeden [*Edain* or *Etain*] uxor mea xiid. et ego Sitrich et Benmuam

the chapter of Ross, to inquire into the election of the dean to be bishop, and, if canonical, to confirm it and consecrate him (*Cal. of Papal Registers*, i. 97). The name of the dean does not appear, but it was probably Robert, who, according to Ware, was bishop in 1225 (compare *Black Book of Limerick* (MacCaffrey), p. 53). It is clear from our document that 'F. bishop of Ross' was alive after Hubert de Burgh became bishop of Limerick, and, as we have seen, Hubert's election did not take place until after 11 March 1223. The date of this deed would then seem to be either 1223 or early in 1224. This agrees with what we have concluded with reference to the date of Cathal Croiderg's grant, which was probably made about the same time.

The four next witnesses were abbots of Cistercian houses, viz.

O. de Magio, i.e. of Monasteranenagh, co. Limerick, probably called de Magio as being situated in the valley of the river Maigue, though it is actually on a tributary of that river. It is said to have been founded in 1151 and filled with monks from Mellifont (*Chart. St. Mary's Abbey*, ii. 263, cf. p. 235).

Isaac de Sancta Cruce, i.e. of Holycross Abbey, co. Tipperary. It was founded and endowed by Donnell O'Brien, king of Limerick, before 1185. The existing ruins, which are well preserved, are of later date. For Donnell O'Brien's charter, the original of which is preserved at Kilkenny, see *Facsimiles of National MSS.*, part ii, plate lxii. This charter was confirmed by John, lord of Ireland and count of Mortain, in 1185.

D. de Siurio. Inislaunaght, near Clonmel, co. Tipperary, called De Siurio from the river Suir (Irish, *Siuir*); also by some ascribed to Donnell O'Brien, by others to a date before his time (*Chart. St. Mary's Abbey*, ii. 236).

A. de Petra fertilis, i.e. of Coreumroe, co. Clare. Founded in 1194 by Donnell O'Brien, or, according to others, in 1200 by his son Donough Cairbrech (Ware).

D. Laonensis archidiaconus. Archdeacon of Killaloe. Owing to the deposition of Robert Travers in 1221, the see of Killaloe appears to have been vacant from that year to 1231, when Donnell or Donough O'Kennedy, archdeacon of Killaloe (presumably this witness), was chosen bishop (Ware, and see *Ann. Ulst.* ii. 268 n., and *Cal. of Documents, Ireland*, i, nos. 1026 and 1908).

R. Ogradig. The O'Gradys were chiefs of Cinel Dunghaile, a district about Tomgraney in co. Clare (*Topogr. Poems*, p. 124, and n.). Perhaps the witness was the Rory O'Grady who married a daughter of Conor O'Brien, son and successor of Donough Cairbrech, as stated (*Ann. Loch Cé*, 1268).

L. mac conmara. The McNamaras were chiefs of Ui Caisin, a district comprising the barony of Bunratty Lower, co. Clare (*Topogr. Poems*, p. 126, and n.). It was their privilege to inaugurate O'Brien at Magh Adhair (Keating's *Hist. of Ireland* (Irish Texts Society), iii. 12).

D. odeaid. O'Dea, *O'Deaghaidh*, was chief of a district about Tullyodea, co. Clare (*Topogr. Poems*, p. 122, and n.). This witness is evidently the Donatus O'Deit of no. iii.

R. oheda. Evidently to be equated with Rodri O'Heyda of no. iii. The name seems to represent *O'h Aedha*, and may perhaps refer to the chief of that name of Muscraige Luachra in the north-west of co. Cork (*Topogr. Poems*, p. 108).

D. Olyddiuda. The Donatus Oliddida of no. iii, and a member of the family called Muintir Lideada (now O'Liddy) in co. Clare (*Topogr. Poems*, p. 126). Attached to this deed is a seal, very much worn, representing a man, apparently crowned, on horseback with a drawn sword in his right hand.

[*Benmuman*] uxor mea 12d. et ego Malronid et . . . uxor mea et filius noster Gillananam xiid. et ego Cuana et Sadua [*Sadhb*] uxor mea xiid. et ego Lochelin et Dereval [*Derbhail*] uxor mea xiid. et ego Donatus O'Malruadan et . . . uxor mea xiid. dedimus . . . Deo et ecclesie B.M. Cisterciensi [&c., nearly as in nos. i and ii].¹⁹

The deed, moreover, is sealed with the seal of Donatus Karbreach. We may therefore safely infer that these two deeds were executed at the same time and place.

IV

This is a gift from C. O'Brien, rex Tuadmonie, of two marks for himself and his wife Anastallia (?) to the house of Citeaux, 'quas videlicet duas marcas Donatus Karbreach quondam rex Tuadmonie pater meus dicte domui Cistercii dedit per cartam suam in subsidium et iuvamen procurationis,' &c., as in former grants.²⁰ The donor of this deed, Conor O'Brien, succeeded his father Donough Cairbrech in 1242, and was slain in 1268.²¹ The deed must be ascribed to a date between 1251 and 1254.

V

This is a post-dissolution document dated 1628. It does not appear to have been hitherto published.

Frater Lucas Archerius vicarius, cum nonnullis aliis praecipuis tamen huius Regni Abbatibus, Reuerendissimo in Christo Patri ac Domino D. abbati Cisterciensi generali nostro, salutem et debitum filiorum honorem et obedientiam.

Reuerendissime Pater ac Domine. Cum filiorum dolores naturali compassionis affectu matrum corda in tantum penetrant, ut non minus propriis afflictionibus quam illorum molestiis disrutientur, si quovis modo contingat illorum anxietates et tribulationes quas patiuntur in matris deuenire noticiam, deueniet ergo necesse est in conspectu tuo, Reuerendissime et amantissime Pater, clamor filiorum tuorum a finibus terrae ad te clamantium, et auxiliatrices paternae pietatis vestrae manus omni qua possunt submissionis deuotione efflagitantium, quatenus de ore Leonis, de manibus quaerentium animas eorum, ab hominibus inimicis et dolosis, et de portis tribulacionum quae eos circundant²² eruantur; Filios nos Rmae P. Vae fiducialiter ausi sumus nuncupare utpote de optimae matris Cistercii gremio geniti et procreati, eius Lacte nutriti, sub eius tutela et

¹⁹ The witnesses are the four bishops and four abbots and the archdeacon and chaplain who witnessed the grant from Donough Cairbrech, and in addition 'Symon domini regis notarius'.

²⁰ The witnesses are C. Episcopus Finnabarensis, presumably Christian, who died 1254 (Ware); Robertus episcopus Linricensis (*sic*), i.e. Robert of Emly, who succeeded Hubert de Burgh and was confirmed by patent on 2 July 1251 (*Cal. of Documents, Ireland*, ii, no. 1), and who died shortly before 21 October 1272 (*ibid.* no. 928); T. de Magio; . . . de Sancta Cruce; T. de Petra Fertili, abbates; P. O'Grady; K. O'Konqwir (O'Conor of Coreumroe); M. MacConmara; K. O'Brien.

²¹ *Ann. Loch Cé*.

²² *sic*.

auspicijs plantati in hac terra deserta, digne Deo excrecentes, et fructificantes in monasterijs et religionum domibus, quibus per totam patriam, licet sparsi non tamen dispersi, noscitur digne vocatione nostra in unitatis spiritu ambulare; extirpantes et eradicantes quas diuino fulti adiutorio possumus spinas et tribulos mundanae cupiditatis a sterili humani cordis terra; et eorum loco diuini eloquij semen irugiferum quod vobis acceptum referimus seminantes; necnon et obtinuerat diu fidelium mentes caligine longe propulsa fidei lumine, et scientiae claritate illustrantes: iuuentutem quoque nostram ad ordinis et sacrae regulae normam quam a vobis accepimus vigilantia cura et solerti studio non minus spirituali seu mystica quam rationali ac naturali philosophia ad maximum non modum illorum profectum, sed et insuper ad omnis ecclesiae Hibernicae laudem et vtilitatem; nosmetipsos mutuis charitatis stimulis de virtute in virtutem haud segniter assidue incitantes; aliorum denique saluti pro talento nobis credito pijs et deuotis exercitijs passim insistentes. Et haec sunt, Reverendissime Pater, compendia studiorum nostrorum, quibus nitimur affectionum pedes in testimonia domini conuertere, et humiliter inquirere quae sit voluntas Dei bona, beneplacens, et perfecta; hae inquam rationes temporis nostri elabentis quas tibi omnium Patri Reuerendissimo et Magistro optimo, prout ordinatae subiectionis lege, qua obligamur par est, discutendas offerimus et transmittimus per praesentium latorem Patrem Iohannem Cantwell,²³ Reuerendum Confratrem et Co-Abbatem nostrum: cuius vitae probitas et Religiosae conuersationis sinceritas probata dudum et comprobata est apud Claramvallem, ubi spiritualis magisterij clauum in nouitiorum cella biennio circiter omnium applausu fideliter tenuit, et prudenter rexit. Illi, aerumnas, tribulationes, angustias, necessitates, et vexationes, quas non minus illicite quam iniuste patimur ab his qui se filios communis nostrae et illorum matris ecclesiae Romanae profitentur, Reuerendissimae Paternitati vestrae referendas, quae scripto non licuit oretenus insinuanda, commisimus. Nichil dubitantes quin Reuerenda Dominatio vestra, quae Ecclesiae Militantis secundarii capitis nomen et omen haud iniuste sibi absque vlla contradictorum inuidia vindicare potest, illius immo nostris fauebit supplicibus votis; potius vero suis ipsis compatiatur, non diuisis, sed vnitis, et capiti cohaerentibus membris, filiorum licet orphanorum pie miserebitur, nec eos deseret aut destituet fauore, consilio, et auxilio paterno, siue in Romana Curia siue in Gallia, et orabimus prout nunc oramus pro Reuerendissima Dominatione vestra et vestris, vt aeterna memoria dignos vos ipsa aeternitas habeat, cui et pro qua temporaliter laboratis. In Christo vale. E loco peregrinationis nostrae pridie Kalendas Augusti 1628. Reuerendissimae Dominationis vestrae humiles filii

²³ Presumably a member of the old family of Kentewell or Cantwell, which, at first seated in co. Tipperary, branched off into co. Kilkenny. The original grant from Theobald Walter of five knights' fees near Templemore to Gilbert de Kentewell is still preserved at Kilkenny Castle. According to the *Triumphalia* (p. 151) Brother John Cantwell performed a cure with the holy relic at the monastery of Holycross on 20 July 1628. This was only eleven days before the date of the letter. This John Cantwell must, it seems, be distinguished from 'Brother Louis, otherwise John, Cantwell', who in 1637 was appointed coadjutor and lawful successor of Luke Archer in the abbacy of Holycross (*ibid.* pp. 217-19).

Frater Lucas Archerus²⁴ abbas de Sancta Cruce²⁵

Frater Laurentius fitz Harries abbas de Surio²⁶

Frater Iacobus fitz Gerald abbas de valle salutis²⁷

Frater Thomas Madan abbas de Mothalibus²⁸

Frater Gerardus Purcell de lege Dei abbas²⁹

Dio[nysius] alias Donatus de Rupe Caselie³⁰

Frater Thomas Bernardus abbas de Kilcouly³¹

Frater Stephanus Shortal abbas sanctae Mariae de Beatitudine³²

²⁴ He was descended from an ancient and distinguished Kilkenny family. He studied at Lisbon, and after holding several ecclesiastical offices in Ireland he became a Cistercian, and in 1611 was appointed abbot of Holycross by 'apostolic authority'. He retained the office of vicar-general of Ossory as well as of his order to 1637, and died in 1644. 'While he was superior of the Order he appointed regular abbots to the several abbeys or put monks in their places', and 'he presided over a public oratory and a general noviciate in a hired house in Kilkenny for the space of twenty years' (*Triumphalia*, pp. 285-7). The *Triumphalia* is dedicated to him.

²⁵ After the names and titles of the first and last signatories to this document is a word which it is not easy to decipher. From a tracing of the last example it appears to be 'ett' followed by a flourish below the line. It is probably merely a contraction for *et cetera*, indicating that Luke Archer and Malachy Hartry held other titles or dignities besides that of abbot or prior. The former was in fact also vicar-general of Ossory and vicar of his order (*Triumphalia*, p. 287), and the latter was also notary apostolic (*ibid.* p. 219).

²⁶ He was titular abbot of Inislaunaght or De Surio from 1625, was a native of New Ross (*Triumphalia*, p. 107), and was probably the Lawrence FitzHarris 'permitted to transport himself into France according to his desires' from that town in 1655 (Commonwealth Petitions, quoted in Hore's *History of New Ross*, p. 340). The name seems to have been originally FitzHenry.

²⁷ Abbot of Baltinglas or De Valle Salutis, said to have been son of a nobleman in Kerry. He studied at Douay and made profession of the monastic life at Clairvaux. He died at his father's castle in 1639 (*Triumphalia*, pp. 273-5).

²⁸ John, alias Thomas Madan, a native of Waterford, took the Cistercian habit in Spain and studied at Salamanca (*ibid.* p. 289). In a document of 1621 he is described as 'dictus abbas de Mothalibus' (*ibid.* p. 92). This place, Mothel, about three miles south of Carrick-on-Suir, was properly an Augustinian house, and in 1630 the titular bishop of Waterford complained that the Cistercians had taken possession of it without any right (*ibid.* p. 203 n.). Thomas Madan was afterwards abbot of St. Saviour's, Graig, co. Kilkenny, and died in 1645. Malachy Hartry says that he was 'his inseparable brother and the companion of his labours for 26 years'.

²⁹ No doubt a member of the ancient Anglo-Norman family of that name, several branches of which were settled in co. Kilkenny; was abbot of Abbeyleix or De Lege Dei. From 1633 to 1639, when he died, he dwelt in London (*ibid.* p. 189).

³⁰ As he is not called *abbas*, we may perhaps infer that he was a Cistercian monk to whom the care of the Monasterium de Rupe Casseliae, or Hore Abbey near the Rock of Cashel, was assigned. He is not mentioned in the *Triumphalia*.

³¹ Thomas O'Leamy, 'qui et Bernardus in religione vocabatur,' was admitted into the order in 1603. He was sent to Clairvaux in 1606 'to obtain a more perfect training in religious life', and in 1622 was appointed abbot of Kilcooley, or De Arvi Campo, in co. Tipperary. He died in 1636 (*ibid.* p. 75).

³² Stephen, or Sebastian, Shortal, a native of Kilkenny, bearing a name distinguished from the thirteenth century in the annals of the county, became a Cistercian in the monastery of Nogales in Spain. He wrote some pieces in Latin verse (Ware's *Writers*, ed. Harris, p. 108). In 1619, when on his way to Ireland, he was captured by the Moors, but he eventually reached his native land, where he was appointed abbot of Bective or De Beatitudine in co. Meath (see below, p. 312). He died in 1639 (*Triumphalia*, p. 277).

Frater Malachias Hartry Prior Sancti Iohannis Evangelistae
Dorso Reuerendissimo in Christo Patri ac Domino Domino Abbati
 Cistercii nostro Generali. Cistercium.

[*Endorsed*] 31 Augusti 1628 10 abbates Hiberni.

Much light is thrown on the signatories of this letter and on their surroundings by the writings of Malachy Hartry, the last signatory to it. He was a native of Waterford, a town which at about this period produced many 'nonconformists' eminent in learning. Starting from Peter White, who was educated at Oxford, where he became fellow of Oriel in 1551, and who afterwards became known as the 'lucky schoolmaster of Munster', there were Nicholas Quemerford 'who spent four years picking and hewing at Logick and philosophy in Oxford', Peter Lombard, Martin Walsh, Peter Wadding, Thomas Strange, John Hartry, and above all Luke Wadding, the annalist of the Franciscans.³³ John Hartry studied in Spain at the monastery of Nogales, where he was admitted to the order. He was sent to Ireland in 1619 with Stephen Shortal. The monastery of St. John the Evangelist, of which he was titular prior, seems to have been a Benedictine monastery in Waterford. Hartry, however, writing of the year 1625, speaks of 'the oratory of our holy Order of Cîteaux in Waterford', meaning, apparently, the church of St. John the Evangelist.³⁴ Two of his works, entitled respectively *Triumphalia Chronologica Monasterii Sanctae Crucis in Hibernia*, written in 1640, and *De Cisterciensium Hibernorum Viris Illustribus*, written in 1649, have been edited by the Rev. Denis Murphy, S.J., and published together in one volume.³⁵

We are not told the nature of the *aerumnæ, tribulationes*, &c., which these Cistercian monks had suffered at the hands of those who professed themselves sons of the Roman church. To obtain the counsel and aid of the abbot of Cîteaux in reference to these troubles was the main object of the letter, which was not directly concerned with the more bitter persecution of the government or of those who professed the reformed religion. From the *Triumphalia* we can glean some instances of the sort of hardship which may perhaps have formed the subject of complaint. Thus we are told that Luke Archer himself was troubled by 'the ambitious and spiteful turbulence of some secular priests' (p. 89). An example is given, but the case seems to have been settled before the date of the letter. Stephen Shortal, too, one of the signatories, when he went to take possession of the deserted monastery at Bective, 'was much annoyed by the Most Revd. Lord Bishop of the diocese and was forced to

³³ Ware's *Writers*.

³⁴ *Triumphalia*, p. 107; cf. p. 207.

³⁵ Dublin, 1891; referred to here as *Triumphalia*. The learned editor was clearly unaware of this document, as otherwise he would certainly have noticed it.

leave the place in consequence' (p. 277). As the editor points out, this must have been Thomas Dease (titular) bishop of Meath from 1622 to 1652. Thomas Madan, moreover, 'endured much from his enemies, much from Catholics too,' and though elected bishop of Waterford by the dean and chapter, another (Patrick Comerford of the order of Hermits of St. Augustine) was consecrated at Rome in his stead (p. 289).

The monasteries of which these signatories were titular abbots had all been long previously dissolved and the sites granted to lay proprietors. Most of the buildings were in ruins. After 1641 several of these ruined buildings were partly fitted up and used again by the order, but it seems doubtful if any, except Holycross, was so used in 1628.

Most of these Cistercian abbots bore the names of ancient Anglo-Norman or English families. They had been brought up in the old faith, and, like many others, were sent for their education to the seminaries of Spain or France. There, whatever learning they imbibed, the cleavage of thought and practice between them and the reformers in matters of religion and in views of civil and ecclesiastical government was immeasurably widened and deepened, and in the long-drawn-out game between the protestant and the catholic forces of Europe they and their like became useful pawns in the hands of the latter. In the result the families of Archer, Cantwell, Shortal, Purcell, and FitzGerald were among the chief sufferers in the confiscations that followed.

GODDARD H. ORPEN.

The Account of a Papal Collector in England in 1304

A SEARCH for materials concerning the financial relations of the papacy with England during the thirteenth century and the early part of the fourteenth has brought to light several reports rendered by the collectors of papal revenues in England which have hitherto been hardly at all used.¹ As the nature of their contents does not appear to be generally known, I propose to give a specimen which may be of interest also as illustrating the arbitrary methods sometimes employed by Edward I to possess himself of the proceeds of papal taxes levied in England. The writer of this report, Gerard of Pecorara, canon of Reims and papal chaplain, was appointed collector of the papal revenues

¹ The only portions of accounts of English collectors in print, with which I am familiar, are some extracts concerning Peter's pence given by Jensen, 'The "Denarius Sancti Petri" in England', *Trans. of the Royal Hist. Soc.*, New Series, xv (1901), 203-47. Several examples of reports of collectors in other parts of Europe have been published, of which I have given a partial list in a paper on 'The Financial System of the Mediaeval Papacy', *Quarterly Journal of Economics*, xxiii (1909), 269, n. 1.

in the British Isles by Benedict XI on 15 February 1304. His commission included Peter's pence, the *census* of exempt monasteries, the royal tribute, fines, legacies, and gifts for the Holy Land, and the arrears owed for tenths imposed by Gregory X, Nicholas IV, and Boniface VIII.² The task consisted mainly of collecting arrears which had accumulated during the last years of the pontificate of Boniface VIII, when the fiscal system had been in a disorganized state.³ But the troubles which Gerard encountered and recorded in this report were exceptional, in consequence of the situation existing with regard to the last-mentioned tenth.

This tax had been imposed on the English clergy by Boniface VIII for a period of three years beginning in 1301. The proceeds were to be shared equally between the pope and the king,⁴ but the administration was carried on entirely by papal agents. Its management was committed to the bishop of London and Bartholomew of Ferentino, canon of St. Paul's,⁵ who acted strictly under orders from the pope, and employed the machinery customarily used for collecting papal tenths. The work, however, was interrupted by the death of Boniface VIII in 1303, when Edward seized the opportunity to claim for himself the whole of the outstanding debts, asserting that the pope had granted this privilege in the contingency of his own demise or of the ending of the war then in progress in Sicily.⁶ The collectors, having no papal instructions to this effect, were at a loss how to proceed, and at this critical juncture the death of the bishop of London added to the difficulty. Finally, Edward took matters into his own hands. He ordered the deputy-collectors to continue their work and to pay the sums collected directly into the exchequer. He assured them of immunity from the demands of the successors of Boniface VIII and all others, and at the same time put into force the whole royal machinery for enforcing payment.⁷ The deputies had no choice but to obey, and thus the surviving papal agent was ousted from the administration.

² *Registres de Benoît XI*, ed. Grandjean, 1213-19.

³ Grandjean, 'Recherches sur l'Administration financière du Pape Benoît XI,' *Mélanges d'Archéologie et d'Histoire*, iii (1883), 47-8.

⁴ Bulls dated 12 March 1306: Rymer, *Foedera*, i. 929-30; *Red Book of the Exchequer*, ed. Hall, iii. 1050-1.

⁵ Dean and Chapter of Westminster Muniments, Misc., 18/5800; Dean and Chapter of Canterbury, Register I, fo. 231. These are copies of the commission of the collectors. Copies of this bull are not found with those mentioned above or in the printed papal registers.

⁶ Public Record Office, Ancient Correspondence, xii. 184; Prynne, *Exact Chronological Vindication* (usually cited as *Records*), iii. 1032-3; *Cal. of Patent Rolls*, 1301-7, p. 200.

⁷ Dean and Chapter of Westminster Muniments, Misc., 18/3801, 5778; Public Record Office, Exch. K. R. Misc. Accounts, 2/44; Exch. K. R. Proceedings, 85/13, file 3; Prynne, *Records*, iii. 1033-6; *Cal. of Patent Rolls*, 1301-7, pp. 200, 204, 211.

With the English clergy Edward could exert the royal authority, but to convince the successor of Boniface VIII of the justness of his claim other methods were necessary. To present his case before the new pope Edward selected Bartholomew of Ferentino, an experienced ambassador at the Roman court, who had a hard case to establish, since Edward manifestly had no written statement of the alleged grant of Boniface VIII.⁸ He assured the pope that he and Otho de Grandison, who had conducted the negotiations between king and pope concerning the original grant of the tenth, had heard Boniface make the concession in question, but Benedict XI replied bluntly that 'without a bull he would not believe it'.⁹ This left the original arrangement still in force, and Gerard's commission to collect the arrears of this tenth required him, therefore, to recover from the deputy-collectors money which they had already paid to the king.

The unlucky collector met with obstacles in the execution of his task from the time of his arrival in England. It was customary for the king to issue letters of safe-conduct to a papal collector on the presentation of the pope's letters of credence. Gerard carried the usual letters of introduction,¹⁰ but he was not given a royal safe-conduct upon his arrival. Nevertheless, he proceeded at once to assert the papal position by sending letters to the deputy-collectors revoking the commissions issued to them by Bartholomew of Ferentino and the bishop of London, and thus suspending the further collection of the tenth. This was a direct defiance of the king, since the deputy-collectors were now executing their commissions under his orders. Edward accordingly issued a writ on 5 July directing that the mayor of London should cause Gerard to appear privately before him, the aldermen, and other citizens at the Tower, and to annul all his orders to the deputy-collectors by writs of revocation, which were to be sent to every diocese at the expense of the crown. The mayor was then to order Gerard to appear before king and council to show by what right he exercised his powers, and if the collector refused compliance, he was to be attached for his offence in

⁸ In dealing with the pope Edward would scarcely have failed to produce such a document had he possessed one. The alleged concession is contained in none of the papal letters concerned with the grant which I have found. These are: grant to Edward, 26 February 1301 (Rymer, *Foedera*, i. 929-30); mandate to the clergy to pay, same date (*Red Book of the Exchequer*, iii. 1049-52); commission to the collectors, same date (Dean and Chapter of Westminster Muniments, Misc., 18/5800); repetition of the grant to Edward, 12 March 1302 (Public Record Office, Ancient Correspondence, xx. 14); mandate to the collectors to transfer one-half the proceeds to Edward, 13 March 1302 (Bliss, *Calendar of Entries in the Papal Registers*, i. 599); mandate to the collectors to pay the other half to papal merchants, 10 April 1302 (Theiner, *Vetera Monumenta Hibernorum*, p. 170).

⁹ Prynn, *Records*, iii. 989.

¹⁰ Bliss, *Calendar*, i. 617.

coming into the realm without the consent of the king.¹¹ Of the proceedings before the mayor no record appears, but the writ must have been executed before the end of October, since Gerard had gone to Scotland to see the king and was back in London before that time.¹² Furthermore, since he resumed his functions as collector on his return, it may be regarded as practically certain that he had made the required revocation.¹³

From this point Gerard takes up the narrative of events in the report printed below. Towards the end of October he cited the collectors of papal revenues in England to appear before him about a month later at St. Martin's le Grand to render accounts.¹⁴ But the process of accounting had not progressed far, when the king once more issued a prohibition against the collector. Gerard believed that this action on the part of the king was occasioned by false intelligence conveyed by the deputy-collectors concerning large sums which he had levied, but it seems more probable that this second prohibition had the same cause as the first, namely, his attempt to interfere with the appropriation by the king of the proceeds of the tenth imposed by Boniface VIII. For, although Gerard discreetly refrained from demanding from the deputy-collectors the sums due to the pope for the third year, he did order them to retain such money as had not yet been delivered to the king, pending instructions from the holy see. He also required of them the immediate payment of all arrears of the pope's share for the first and second years, some of which had been paid to the king.¹⁵ In protecting the deputy-collectors from this demand Edward was merely fulfilling his promise to hold them indemnified. Whatever may have influenced the king his action was prompt and effective. On 10 December the papal envoy revoked all his acts at St. Martin's le Grand, and was forbidden by royal order to remain more than eight days in England. 'On the next day,' says the London annalist, 'he took up his way to the Roman court.'¹⁶

¹¹ Pryne, *Records*, iii. 1031-2; *Cal. of Patent Rolls*, 1301-7, p. 365.

¹² Gerard in his report (below, p. 318) says that on his return from a journey to the king (in Scotland) he issued certain letters to the deputy-collectors. These letters were issued towards the last of October, one to the prior and convent of Westminster being dated 31 October: Dean and Chapter of Westminster Muniments, Misc., 73/12380.

¹³ He had certainly made the revocation before 6 November: K. R. Memor. Roll, 33-4 Edward I (no. 79), m. 76.

¹⁴ The prior and convent of Westminster were directed to appear on 27 November.

¹⁵ It appears in the accounts cited below (n. 23) that all the proceeds collected after the death of Boniface were paid to the king.

¹⁶ *Annales Londonienses*, ed. Stubbs, p. 134. In his introduction to this chronicle (pp. xxxvii-xxxviii) Stubbs intimates that the revocation of 10 December was the result of the writ of 5 July. It is improbable, however, that the execution of the writ was delayed so long. Furthermore, the writ ordered the mayor to cause Gerard to appear before him at the Tower, but the revocation of 10 December took place at St. Martin's

After Gerard's departure no active attempt seems to have been made to recover the portion of the proceeds which Edward had arbitrarily seized. William Testa, the successor of Gerard, was charged with the collection of this tenth,¹⁷ and he made some inquiries concerning the amount of arrears due.¹⁸ But in a report rendered to the papal camera between June and September 1310, which includes the items received during several preceding years, nothing is recorded from this source,¹⁹ and in 1309 Clement V conceded to Edward II that portion of the three years' tenth which his father had received from the papal share 'without the permission of the Holy See'.²⁰ Whatever still remained uncollected was to be divided equally between pope and king,²¹ but this constituted only a trivial sum.²² By these tactics Edward I secured about two-thirds of the total proceeds of this tenth instead of the half originally granted to him.²³

The following text of the report is taken from two transcripts made by the late Mr. Bliss, or under his direction, now deposited in the Public Record Office.²⁴ The original is described in one transcript as 'A. V. Misc.' and in the other as 'Archivio Vaticano, Miscellanea (sic) Pergamena'.²⁵ One transcript (here designated

le Grand. Finally, it is clear from the report of Gerard that his expulsion was immediately due to activities begun with the issue of orders to the deputy-collectors to render accounts. These were not issued until October. The writ of 5 July dealt with the suspension by Gerard of the original commissions of the collectors, and is, therefore, part of a separate episode, which was probably recounted by Gerard in the first report to which he alludes.

¹⁷ Public Record Office, Papal Bulls, 44/18.

¹⁸ *Memorials of Beverley*, Surtees Soc., i. 141-2.

¹⁹ Public Record Office, Roman Transcripts, General Series, 59. For the date of the report see *Amer. Hist. Rev.* xviii (1912), p. 49, n. 13.

²⁰ *Red Book of the Exchequer*, iii. 1053-4.

²¹ K. R. Memor. Roll, 4 Edward II, Mich. Term, Brevia, m. 7.

²² Although announced in 1309, money did not begin to be collected under this arrangement until September 1310. From October 1310 to October 1312 Testa recovered only £185 5s. 8½d: Vatican Archives, Instrumenta Miscellanea, Capsula IX, no. 54.

²³ Based on a compilation from the following records of receipts: *Cal. of Patent Rolls*, 1301-7, pp. 27, 32, 37, 39, 42, 43, 46, 52, 65, 74, 114, 143, 154, 158, 162, 163, 211, 216-17, 234-5, 292-301, 363-4, 449-53, 506; *ibid.*, 1307-13, pp. 66-7, 98-102, 111, 122, 140, 143, 146, 191-2, 209, 266-7, 357, 359, 394-5, 400, 589; *ibid.*, 1313-17, p. 33; Exch. K. R. Accounts, 10/24; 354/10, ff. 7^v, 9^r; 360/23, mm. 4, 6; 360/25, m. 6; 364/13, fo. 48; 364/14, m. 1; 365/6, ff. 1^r-2, 23, 23^v, 33^v; 365/10, pp. 16, 25, 27, 82; 366/14, m. 1; 366/17, mm. 1-3, 8, 9, 12, 18, 19^v, 21^v, 22; 367/16, p. 12; 367/23, m. 1; 368/7, ff. 2, 2^v, 6^v-9^v, 12^v, 19, 20, 22; 368/25, m. 1; 368/27, fo. 23; 369/16, fo. 3^v; 371/8, m. 50; 374/5, fo. 7^v; 540/22, fo. 4^r; Exch. K. R. Ecclesiastical Documents, 10/2, m. 1; 10/3; 10/4; Exch. of Receipt, Misc. Rolls, 87, 88; Clerical Subsidies, 42/2 a; 67/3 a; British Museum, Add. MS. 35292, ff. 22, 55, 63^v-65^v. In estimating the total revenue derived by Edward I from papal tenths Sir J. H. Ramsay (*Dawn of the Constitution*, pp. 535-7) omits this tenth entirely.

²⁴ Roman Transcripts, General Series, 59.

²⁵ The original is probably among the Instrumenta Miscellanea, but a search for it failed, because the documents are accessible only so far as the index has been completed.

A) appears to be a finished copy, and this has been followed except for a few emendations taken from the other (B), which is designated as a 'rough copy'.

W. E. LUNT.

Sacro collegio reverendorum patrum, dominorum sacrosancte Romane ecclesie cardinalium, Gerardus de Pecoraria, canonicus Remensis, apostolice sedis in Anglia, Wallia, Scotia et Ybernia nuntius, cum omni reverentia et honore se humiliter commendatum.

In huius mundi²⁶ pelago naviganti michi si contraria et adversa evenerint et eveniant, licet esse non possit quin meus animus perturbetur, tamen attendendo et considerando, quod omnes qui pie et iuste in hoc seculo vivere volunt persecutiones patiuntur, quodque qui persecutiones propter iustitiam patiuntur beati sunt, idem animus fortius roboratur. Et ego, quia iam est diu exsequi²⁷ inceperam et iugiter exsequer²⁸ commissa michi negotia et iniuncta per Romanam ecclesiam, persecutiones passus sum tales quales nullus unquam similis nuntius in istis partibus est perpersus, ignorans causam, cum nesciam me dominum regem Anglie aut aliquos de regno in aliquo offendisse. De uno tamen certus sum, quod, si voluissem omisisse exsequi²⁷ commissa michi negotia, Romane ecclesie honorem et utilitatem postponendo, que facta sunt nullatenus accidissent. Quas persecutiones substinui et sustineo patienter, firma spe tenens quod per sacrosanctam Romanam ecclesiam et vos, qui eius estis columpne et bases, super hiis tale remedium apponetur, quod erit honor Dei et ecclesie sue sancte, et quod in futurum non attemptabuntur²⁹ similia neque fient. Que igitur per me facta sunt, postquam recessi a domino rege predicto et veni Londoniam,³⁰ quia que ante feceram reverendis patribus, dominis Roberto, Dei gratia tituli Sancte Pudentiane presbytero cardinali, vestri sacri collegii camerario, et Iohanni, electo Spoletano, apostolice sedis camerario, seriose intimavi³¹ et scripsi per eos ad vestram notitiam deducenda, que etiam michi, et non michi sed apostolice sedi verius et Romane ecclesie, postea illata sunt, quam brevius potero, explicabo.

Quando a dicto domino rege recessi et redii Londoniam,³² fieri feci litteras oportunas citando eos qui fuerunt³³ collectores ut venirent rationem reddituri, et illos qui debebant census Romane ecclesie et denarium Sancti Petri ut comparerent de hiis in quibus tenebantur pro tempore quo non erat facta solutio satisfactionem plenam et debitam impensuri. Comparantibus autem pluribus collectoribus tam super decima imposita per dominum Nicolaum papam quartum per sex annos quam per dominum Bonifacium papam VIII per tres annos et rationem reddentibus, inveniebam ut plurimum eos debere magnas pecunie quantitates. Inveniebam etiam illos qui fuerant constituti collectores super decima imposita per dictum dominum Bonifacium solvisse regalibus per compulsionem mirabiles pro tertio anno dictorum trium³⁴ non modicas pecuniarum summas et magnas expensas ultra solitas eis allocari fecisse propter compulsionem et

²⁶ Huius mundi, B; huiusmodi, A.

²⁸ Exsequer, A B.

³⁰ Londonem, A.

³² Londonem, A.

³⁴ Terminorum, B.

²⁷ Exsequi, A B.

²⁹ Acceptabuntur, A.

³¹ Intimasi, A.

³³ Fuerant, B.

exactiones regaliū supradictas. Et quia dictos collectores compellebam solvere quod debebant, preterquam pro dicto tertio anno super quo precipiebam eis quod pecuniam quam receperant et habebant salvo custodirent, quousque per sedem apostolicam aliud mandaretur, et quia etiam aliquos ex collectoribus principalibus super decimis et obvenientibus Terre Sancte requirebam quod redderent rationem, nolentes solvere nec³⁵ rationem reddere ut debebant, ob premissa et alias causas alias exprimendas, se ad actus solitos converterunt, dantes falso intelligere domino regi quod receperam iam in tam modico tempore de decimis, censibus, denario Sancti Petri et Terra Sancta decem millia marcarum et amplius, et de procurationibus et aliis mille marcarum et amplius. Propter que motus dominus rex, ut michi dixerunt qui mandatum regium executi sunt, fecit contra me procedi, sicut per transcriptum litterarum quas misi domino regi scriptas in gallico ut melius intelligeret quod presentibus intercluditur vobis constare poterit evidenter, credentes, ut dicebant, coffinos meos plenos³⁶ pecunia invenire. Novit autem ille qui nichil ignorat quod ultra centum viginti libras, quas recepi a magistro Bartholomeo de Ferentino de areragiis decime concesse Terre Sancte subsidio per dominum Nicolaum papam quartum, que restabant penes eum in compoto per eum michi reddito, et ultra quinquaginta libras, quas recepi ab abbate et conventu Certeseye, Wyntoniensis diocesis, quas similiter debebant de areragiis dicte decime, quas mercatoribus camere assignavi,³⁷ non recepi³⁸ de censibus, de Terra Sancta, de procurationibus, de subventionem ad animalia, que michi defecerunt et quibus indigebam, et quibuslibet aliis, quinquaginta marcas omnibus computatis. Immo,³⁹ postquam regnum Anglie introivi,⁴⁰ expendi centum marcas et amplius ultra hec, sicut mercatores sciunt, qui michi pecuniam mutuarunt. De denariis⁴¹ Sancti Petri nichil recepi. Dies⁴² enim solutionis dicte pecunie tunc instabant, quando dictus processus factus est, et iam plures venerant parati solvere tam census quam denarium Sancti Petri, qui propter premissa postea solvere non curarunt. Immo tam⁴³ collectores et aliorum collectorum factores seu procuratores quam alii qui in magnis areragiis erant et sunt, tam de dicta decima triennali quam aliis decimis et censibus et denariis⁴⁴ Sancti Petri, suis falsis suggestionibus premissa fieri procurarunt, ut ea, que debebant solvere, retardarent, et similiter, qui rationem reddere tenebantur, tunc rationem non redderent. Que vera esse hac potestis colligere ratione, pro eo quod statim post processum predictum illi, qui prius rationem reddere et ea que debebant solvere recusabant, veniebant cum testibus et notariis, offerentes se paratos reddere rationem et ea solvere que debebant. Et hoc quia sciebant et advertiebant quod me de huiusmodi intromittere non poteram propter potestatem regiam me impredientem et non permittentem. Apparere etiam potest quod verba aliquorum⁴⁵ mercatorum, dicentium quod quia

³⁵ Ne, A.³⁷ Ad alienam, A.³⁹ Nec non, A.⁴¹ Denario, B.⁴³ Tamen, B.⁴⁵ Aliqua, B.³⁶ Plenes, B.³⁸ Recipi, A.⁴⁰ Intravi, B.⁴² Dum, A.⁴⁴ Denario, B.

premissa citius non petii et exegi⁴⁶ dampnificati sunt quam plurimum, nonsunt vera, quia hoc⁴⁷ prius fieri non potuit, et si ante premissa petissem, sicut et postea feci, que modo facta sunt tunc similiter accidissent, et illi de partibus istis non sunt tales quod, cum requiruntur, statim solvant quod debent, immo cum difficultate potest aliquid recuperari ab eis, et, si mercatores attenderent ea que per regales eis retroactis temporibus facta sunt sigillando eorum cameras propter pecuniam decime quam receperant,⁴⁸ talia non dicerent vel dixissent.

Ut autem de omnibus que in istis partibus habet facere et recipere Romana ecclesia plenarie vobis constet et ut super eis ordinetur quod videritis⁴⁹ ordinandum, noverit vestra dominatio reverenda quod de decima imposita per felicitis recordationis dominum Gregorium papam decimum per sex annos aliqua⁵⁰ restant recipienda licet modica de quibus ut in pluribus extant obligationes, quas regales cum rebus aliis et scripturis violenter asportarunt et habent. De decima imposita per dominum Nicolaum papam quartum per sex annos de primis quatuor annis restant multa arreragia solvenda, et multa etiam per aliquos qui fuerunt collectores debentur. Per multas etiam obligationes quas receperam a dicto magistro Bartholomeo quando compotum reddidit debetur de ipsa decima magna pecunia, quas obligationes cum aliis scripturis et rebus regales violenter etiam asportarunt et habent. De duobus ultimis annis de dictis sex nichil collectum est propter decimam impositam per dominum Bonifacium papam VIII per tres annos, quia simul in illis duobus annis concurrebat utriusque solutio. De dicta decima imposita per dominum Bonifacium de primis duobus annis restant plura colligenda et multa etiam penes collectores sunt de hiis que receperunt, sicut per compotos receptos ab eorum aliquibus michi constat. De tertio anno debitores solvere nolebant, et collectores etiam recipere recusabant, cum propter mortem domini Bonifacii, qui circa principium tertii anni decessit, tum propter mortem domini Londoniensis episcopi, qui cum magistro Bartholomeo collector fuerat constitutus, et non in solidum, sed regales, totam decimam dicti tertii anni ad dominum regem pertinere dicentes, propter certa verba dicta ipsi domino regi per dictum magistrum Bartholomeum, que verba bene novit supradictus dominus Robertus, vestri sacri collegii camerarius, compulerunt et compellunt collectores eam colligere necnon et arreragia duorum primorum annorum et sibi persolvere, sicut apparere potest per transcriptum litterarum regiarum quod presentibus est inclusum, licet super hoc nullam potestatem haberent vel habeant. De Terra Sancta nichil adhuc certum inveneram, quia nondum ab illis qui fuerant collectores rationem audire et habere potueram, licet pluries requisissem. Pro denario Sancti Petri debetur solutio pro pluribus annis, et, quia tanto tempore est dilata solutio, plures qui debebant mortui sunt, et successores solvere contradicunt. De censibus similiter pro multis annis debetur solutio. Nam inter duas particulas quas recepi unus tenebatur pro viginti annis pro quolibet anno duos solidos sterlingorum. De procurationibus⁵¹ cardinalium plura adhuc debentur, et etiam de bonis magistri

⁴⁶ Exinde, A.

⁴⁸ Receperunt, B.

⁵⁰ Alique, B.

⁴⁷ Hec, B.

⁴⁹ Universis, A.

⁵¹ Procuratoribus, A.

Giffredi, olim Parmensis episcopi, debentur aliqua.⁵² Census debetur a domino rege Anglie pro quindecim annis terminatis in festo beati Michaelis proxime preterito.

Vado Remis et ibidem expectabo responsionem domini regis super premissis. Quam, cum recepero, paternitati vestre transmittam. Vestra autem dominatio michi fideli suo velit iniungere quod viderit iniungendum parato semper et prompto in omnibus et per omnia obedire.

Early Records of the Justices of the Peace

AN investigation at the Public Record Office of the labour legislation of 1349 and 1351 enabled me to identify among so-called 'Assize Rolls' and 'Ancient Indictments' a number of rolls of proceedings before both the joint and the separate commissions of the peace and for labourers for the years from 1349 to 1359, and suggested that I might find more records of the same sort for the following half-century, in the course of which the justices of the peace became responsible for enforcing this legislation.¹ Inasmuch as the third edition of Mr. Scargill-Bird's *Guide to the Public Records*, published in 1908, and the preface and table of contents of the new edition of the *List of Plea Rolls preserved in the Public Record Office*, published in 1910, made no mention of this class of records, it was necessary to begin the search by an examination for the years subsequent to 1359 of all the documents of each county grouped in the *List* under 'Assize Rolls, &c.' The result was the identification of twenty-nine rolls containing records of the justices of the peace and of one roll containing records of the justices of labourers, distributed as follows: fourteen for the reign of Edward III, thirteen for the reign of Richard II, and three for the reigns of Henry IV and Henry V.² Since a cursory glance at 'Assize Rolls' for the period preceding 1349 showed a few similar records correctly listed³ and one concealed by an insufficient description,⁴ it may be presumed that a not

⁵² Alique, B.

¹ See my article on *The Justices of Labourers in the Fourteenth Century*, ante, xxi, 530-5, and my book on *The Enforcement of the Statutes of Labourers*, 1908, app., pp. 142-4.

² Although the official list includes Assize Rolls of the reigns of Henry VI, Henry VII, and Henry VIII, I have discovered no records of the justices of the peace for a date later than 2 Henry V.

³ e.g. Assize Roll 397, Kent, 10 Edw. II, 'Praesentationes, &c., sub statutum de Wintonia'; also Assize Roll 398.

⁴ Assize Roll 891, Surrey, 35 Edw. I, 'Inquisitiones,' m. 3 contains the following heading: 'Godalmyng et Farnham. Inquisicio facta de malefactoribus et perturbatoribus pacis, etc. coram domino Rogero de Hegham, Petro Mallore, et sociis suis...'; m. 12 d is endorsed 'anno xxxv¹⁰'. On 30 July, 33 Edw. I and on 21 Feb. 35 Edw. I, Roger de Hegham and Peter Mallore, with others, were appointed on commissions to preserve the peace in several counties, including Surrey; *Calendar*

inconsiderable number may be added from this early period.⁵ Further, the 'Ancient Indictments', among which several quarter session records have already been found,⁶ still await an exhaustive study, and will undoubtedly yield important results.⁷

The list below shows the thirty rolls identified in the *List of Plea Rolls* for the years 1359-1414.⁸ I give first the title of each roll as catalogued and then the additional information necessary for the correct description of the roll, including, when possible, the references to the enrolment of the letters patent in virtue of which the justices were acting. The changes in the form of the commission of the peace during this half-century must be reserved for future study; here it is sufficient to say that among other duties the justices were commissioned to enforce the three statutes of Winchester, Northampton, and Westminster, and the statutes concerning weights and measures; also to hear and determine felonies and trespasses; and that, eventually, after a few years of vacillation on the part of the central government, they were empowered to enforce all the existing labour legislation.⁹

B. H. PUTNAM.

I.¹⁰ Assize Roll 33, Bedfordshire. 37 Edw. III. 'Placita coram Willelmo de Risceby et Thoma de Eston.' 'Placita Coronae.'

of *Patent Rolls*, 1301-7, pp. 354, 543. My attention was called to this roll by the late Mr. L. W. Vernon Harcourt.

⁵ For the decade 1349-59 Assize Roll 523, Lincolnshire, 25-8 Edw. III, should have been noted; see my book, app., pp. 195-7. The official description is: 'Placita Coronae coram Willelmo de Skypwyth et sociis suis.' 'Deliberatio Gaolae.' m. 16 has the following heading: 'Inquisicio capta coram Waltero de Poynton, Waltero de Kelby de Lincolnia, et Willelmo de Blyton iusticiariis domini regis ad inquirendum de diversis homicidiis felonis et transgressionibus in ciuitate Lincolnie et suburbio eiusdem factis audiendis et terminandis per commissionem domini regis assignatis die Mercurii in festo Sancte Margarete anno regni regis Edwardi Tercii post conquestum vicesimo quinto apud Lincolniam in Gildaula necnon de operariis, artificibus et seruitoribus secundum formam dicte commissionis. . . .' On 27 March 25 Edw. III, the justices named, together with William Skipwith and John Mowbray, were appointed on the joint commission of the peace and for labourers in the city of Lincoln; Rot. Pat., 25 Edw. III, pt. 1, m. 19 d (erroneously summarized in *Calendar*, 1350-4, p. 83).

⁶ See *ante*, xxi. 534-5, nn. 139, 140. For an analysis of the 'Ancient Indictments', see Mr. Vernon Harcourt's article on *The Baga de Secretis*, *ante*, xxiii. 508-29.

⁷ The matter is important because it was until recently held that with one exception no records of the justices of the peace existed for a period earlier than the sixteenth century.

⁸ The necessary corrections have been made in the official copies of the *List of Plea Rolls* in the Literary Search Room at the Record Office.

⁹ For the latter part of the reign of Edward III the important points are the abolition of the separate commissions for labourers in 1359, the reorganization of the office of justice of the peace in 1361, the change made in the distribution of penalties under the statutes of labourers in 1362, and the statutory consolidation of the commissions of the peace and for labourers in 1368; see *ante*, xxi. 526-7, and my book, pp. 23-6, 117-19, 124-6. See also Messrs. C. G. Crump and C. Johnson's article on *The Powers of Justices of the Peace*, *ante*, xxvii. 226-38.

¹⁰ The roman numerals only indicate the order in my list.

m. 4 contains a copy of the letters patent, dated 20 Nov. 36 Edw. III, appointing Thomas de Reynes, William de Risceby, and Thomas de Estoun justices of the peace.¹¹

II. Assize Roll 76, Buckinghamshire. 10-14 Richard II. 'Placita coram Henrico de Greye et sociis suis Justiciariis Pacis.'¹² On 18 Sept. 9 Richard II, Henry de Greye, with ten others, was appointed on the commission of the peace; he was re-appointed on 15 July 13 Richard II and on 28 June of the following year, each time with seven others.¹³

III. Assize Roll 107, Cambridgeshire. 3-6 Richard II. 'Inquisitiones de feloniis, &c.'

m. 1 has the following heading: 'Inquisicio capta coram Rogero de Scales et sociis suis iusticiariis domini regis de pace apud Cantabrigiam die Martis in vigilia Sancti Iacobi apostoli anno regni regis Ricardi Secundi post conquestum quarto.'

m. 1 d contains proceedings before John Sibill and his companions for the same year, and m. 2 d contains similar proceedings before William Bateman and his companions for the sixth year.

On 26 May 3 Richard II, Roger Scales, John Sibill, and William Bateman, with eight others, were appointed on the commission of the peace; on 20 Dec. 6 Richard II, they were re-appointed with eleven others.¹⁴

IV. Assize Roll 293, Gloucestershire. 1 Richard II. 'Placita Coronae coram J. Beauchamp et aliis.'

m. 1 contains a copy of the letters patent, dated 2 July 1 Richard II, appointing on the commission of the peace John Beauchamp, John Sergeaunt, Robert Cole, John Gayner of Ledeneye, and three others.¹⁵ Then comes the following heading: 'Placita corone coram Iohanne Beauchamp, Iohanne Sergeaunt, Roberto Cole, et Iohanne Gayner de Ledeneye custodibus pacis ac iusticiariis domini regis ad diuersas felonias, transgressiones et excessus in comitatu Gloucestrie audiendos et terminandos assignatis. . . .'

V. Assize Roll 297, Gloucestershire. 35-6 Edw. III. 'Praesentationes coram Gilberto Talbot et sociis suis.'

m. 2 contains a copy of the letters patent, dated 20 March 35 Edw. III, appointing Gilbert Talbot and seven others justices of the peace.¹⁶

VI. Assize Roll 298, Gloucestershire. 7-10 Richard II. 'Inquisitiones captae coram Thoma de Berkele et sociis suis.'

m. 1 is headed: 'Inquisicio capta coram Thoma de Berkele, domino de Berkele, Iohanne Cassy, Willelmo Heyberere, et sociis suis custodibus pacis domini regis necnon iusticiariis ipsius regis ad diuersa felonias et transgressiones in comitatu Gloucestrie audiendas et terminandas assignatis

¹¹ *Calendar of Patent Rolls*, 1361-4, p. 292. By an error this commission is indexed as merely a commission for labourers.

¹² See *ante*, xxi. 535, n. 140.

¹³ *Cal. of Pat. Rolls*, 1385-9, p. 81; *ibid.*, 1388-92, pp. 136, 343.

¹⁴ *Ibid.*, 1377-81, p. 513; *ibid.*, 1381-5, p. 252. Scales also served on special commissions of the peace entrusted with the suppression of the revolt: *ibid.*, pp. 85, 138-9, 246.

¹⁵ *Ibid.*, 1377-81, p. 46; the Patent Roll has 'Ganyer' instead of 'Gayner'.

¹⁶ *Ibid.*, 1361-4, p. 63.

etc. apud Gloucestriam die Martis proximo post festum Sancti Benedicti abbatis anno regni regis Ricardi Secundi post conquestum septimo.'

m. 2 d contains similar proceedings for the ninth year before Hugh, earl of Stafford, and his companions.

On 8 Oct. and on 20 Dec. 6 Richard II, Thomas de Berkele, John Cassy, and William Heyberere were appointed justices of the peace, the first time with seven others, the second time with ten;¹⁷ on 2 July and on 26 Jan. of the following year they were re-appointed, the first time with Hugh, earl of Stafford, and ten others, the second time with the earl and nine others.¹⁸

VII. Assize Roll 472, Leicestershire. 13 Henry IV and 1 Henry V. 'Placita Coronae coram Willelmo Roos de Hamelak et aliis.' The headings on the various membranes are always: 'Placita corone coram,' followed by the names of from two to five justices, the names varying from session to session.

m. 2 has a writ attached to it referring to the justices as 'custodibus pacis'.

m. 5 contains a copy of the letters patent, dated 3 Feb. 14 Henry IV, appointing on the commission of the peace all but one of the men mentioned and five others.¹⁹

VIII. Assize Roll 529, Lincolnshire. 34-49 Edw. III. 'Inquisitiones et Praesentationes.'

m. 1 has the following heading: 'Inquisicio soke de Bolyngbrok capta apud Partenay coram T. Leuelaunce et W. de Stayn iusticiariis domini regis de pace in partibus de Lyndesey die Lune proximo post festum Sancti Martini in yeme anno regni regis Edwardi Tercii post conquestum xxxiiiitho.'

On 4 Dec. 33 Edw. III, Thomas Lovelaunce and William de Stayn, with four others, were appointed on the commission of the peace in Lindsey.²⁰

m. 10 contains a copy of the letters patent, dated 15 Feb. 49 Edw. III, appointing William de Huntyngfeld and eight others justices of the peace in Holland.²¹

m. 13 contains a copy of the letters patent, dated 10 July, 42 Edw. III, appointing John, duke of Lancaster, and seven others justices of the peace in Holland.²²

IX. Assize Roll 530, Lincolnshire. 47-9 Edw. III. 'Indictamenta capta coram R. de Wylughby et sociis suis.'

m. 1 has the following heading: 'Indictamenta capta coram Roberto de Wylughby et sociis suis custodibus pacis et iusticiariis domini regis ad diuersa felonias et transgressionem in partibus de Lyndeseye in comitatu Lyncolnie audiendas et terminandas assignatis virtute cuiusdam breuis

¹⁷ *Cal. of Pat. Rolls*, 1381-5, pp. 194, 251.

¹⁸ *Ibid.*, pp. 346, 347. Thomas de Berkele, John Cassy, and William Heyberere were also serving on special commissions of the peace: *ibid.*, pp. 138, 246. See above, p. 323.

¹⁹ *Ibid.*, 1408-13, p. 481. The exception is Richard Boresworth, but his name is found on a letter patent of 14 May 9 Henry IV: *ibid.*, 1405-8, p. 493.

²⁰ Rot. Pat., 33 Edw. III, pt. 3, m. 4 d (printed in Rymer's *Foedera*, III. i, 463).

²¹ Rot. Pat., 49 Edw. III, pt. 1, m. 33 d.

²² Rot. Pat., 42 Edw. III, pt. 2, m. 28 d.

domini regis patentis quod sequitur in hec verba.' There follows a copy of the letters patent, dated 17 July, 46 Edw. III, associating Robert de Wylughby and John Poucher to the existing commission of the peace.²³

X. Assize Roll 531, Lincolnshire. 49 Edw. III. 'Indictamenta.'

m. 1 contains a copy of the letters patent, dated 12 Dec. 46 Edw. III, appointing Gilbert de Umframvill and eight others justices of the peace in Kesteven.²⁴

XI. Assize Roll 693, Nottinghamshire. 18-19 Richard II. 'Praesentationes factae coram J. de Markham et sociis suis.' 'Indictamenta.'

m. 3²⁵ has the following heading: 'Presentaciones facte coram Iohanne de Markham et sociis suis iusticiariis domini regis ad diuersas felonias [et] transgressiones in comitatu Nottinghamie audiendas et terminandas assignatis apud Blyth die Iouis proximo ante festum Sancti Petri in Cathedra anno regni regis Ricardi Secundi xviii°.'

m. 5²⁵ has the following heading: 'Indictamenta capta coram Iohanne de Leek, chiualer, Roberto Martell et Iohanne de Gaytford custodibus pacis domini regis nec non iusticiariis ad diuersas felonias et transgressiones in comitatu Nottinghamie perpetratas audiendas et terminandas assignatis²⁶ et nondum terminata et cetera.'

On 22 Oct. 17 Richard II, John de Markham, John de Leek, Robert Martell, John de Gaytford, and five others were appointed justices of the peace.²⁷

XII. Assize Roll 717, Oxfordshire. 10-11 Richard II. 'Placita Coronae coram Ricardo Abberbury et sociis suis.'

m. 1 has the following heading: 'Placita corone coram Ricardo Abberbury et sociis suis custodibus pacis domini regis in comitatu Oxonie nec non iusticiariis ipsius regis ad diuersa felonias, transgressiones et alia malefacta in comitatu predicto perpetrata audienda et terminanda assignatis apud Boreford die Iouis proximo ante festum conuercionis Sancti Pauli anno regni regis Ricardi Secundi post conquestum decimo.'

On 13 Jan. 9 Richard II, Richard Abberbury and twelve others were appointed justices of the peace.²⁸

XIII. Assize Roll 749, Shropshire. 37-48 Edw. III. 'Indictamenta et Placita de transgressionibus coram eisdem.'

This must be considered in connexion with the preceding roll for 37-8 Edw. III; 'Indictamenta et Placita coram Nicholao Burnel et sociis suis.' 'Placita Coronae.' Nearly all the membranes contain proceedings before Nicholas Burnel and his colleagues acting as justices of oyer and terminer in virtue of two commissions,²⁹ the earlier of which is enrolled on m. 3, but m. 2 d contains the following heading: 'Indictamenta capta coram Nicholao Burnell et sociis suis custodibus pacis die Lune in crastino

²³ Rot. Pat., 46 Edw. III, pt. 2, m. 31 d.

²⁴ These do not appear in pt. 2 of the Patent Roll for this year; pt. 1 is not preserved.

²⁵ New numbering.

²⁷ *Cal. of Pat. Rolls*, 1391-6, p. 438.

²⁸ *Ibid.*, 1385-9, p. 82.

²⁹ 6 May 37 Edw. III; *Cal. of Pat. Rolls*, 1361-4, p. 366; 6 July 48 Edw. III; Rot. Pat., 48 Edw. III, pt. 1, m. 9 d.

²⁶ MS. *assignatis*.

Sancti Petri Ad uincula anno regni regis Edwardi Tercii post conquestum quadragesimo octavo.

Nicholas Burnel, with various others, was appointed on successive commissions of the peace from 20 March, 35 Edw. III, to 2 Feb. 48 Edw. III; ³⁰ it seems probable, therefore, that the confusion of the two types of records is due to the fact that he employed the same clerk whether he was acting as justice of oyer and terminer or as justice of the peace.

XIV. Assize Roll 752, Shropshire. 2-13 Henry IV. 'Indictamenta coram eisdem.' This heading refers to the preceding roll for 10-13 Henry IV: 'Placita Assisarum coram Hugone Huls et aliis.'

m. 2 contains a copy of the letters patent, dated 21 March, 1 Henry V, appointing Hugh Huls and twelve others on the commission of the peace.³¹

m. 3 has the following heading: 'Indictamenta capta apud Salopiam coram Iohanne Hull, Iohanne Borley, Thoma Lee, et sociis suis iusticiariis domini regis ad pacem in comitatu Salopie conseruandam assignatis die Mercurii proximo post festum Sancti Petri in Cathedra anno regni regis Henrici III^{ti} primo.'

On 28 Nov. 1 Henry IV, John Hull, John Borley, Thomas Lee, and eight others were appointed justices of the peace.³²

m. 3 d has the interesting heading: 'Baga custodum pacis . . .'³³

XV. Assize Roll 795, County of Southampton. 43-5 Edw. III. 'Indictamenta et Praesentationes coram Waltero de Haywode et Willelmo de Hoghton.'

m. 1 contains the following heading: 'Indictamenta apud Wyntoniam coram Waltero de Haywode et Willelmo de Hoghton custodibus pacis domini regis ac iusticiariis regis ad omnes transgressiones et alia malefacta in comitatu Suthamtonie perpetrata audienda et terminanda ac omnes felonias in eodem comitatu perpetratas vna cum Willelmo de Wychyngnam et Edmundo de Chelreye vel vno eorum audiendas et terminandas assignatis die Lune proximo post festum Sancti Nicholai anno regni Edwardi Tercii post conquestum xliii^o.'

m. 2 contains a copy of the letters patent, dated 10 July 42 Edw. III, appointing Walter de Haywode, William de Hoghton, William de Wychyngnam, Edmund de Chelreye, and four others justices of the peace.³⁴

XVI. Assize Roll 796, County of Southampton. 9-16 Richard II. 'Indictamenta coram Iohanne Sandes et sociis suis.'

'Placita de transgressionibus coram Thoma de Holand, comite Kanciae, et sociis suis.'

m. 1 contains the following heading: 'Indictamenta capta apud Wyntoniam coram Iohanne Sandes et Willelmo Ryngebourn et sociis suis iusticiariis domini regis ad pacem conseruandam in comitatu Suthamtonie assignatis die Lune in tercia septimana quadragesime anno regni regis Ricardi Secundi quinto decimo.'

³⁰ *Cal. of Pat. Rolls*, 1361-4, pp. 64, 292 (see above, n. 11), 529; *Rot. Pat.*, 42 Edw. III, pt. 2, m. 29 d; *ibid.*, 48 Edw. III, pt. 1, m. 26 d.

³¹ *Cal. of Pat. Rolls*, 1413-16, p. 422.

³² *Ibid.*, 1399-1401, p. 563.

³³ Cf. *Controlment Roll* 44 (1 Henry IV), m. 20: 'Per Bagam Custodum pacis. . .'
printed by Mr. Vernon Harcourt, *ubi supra*, p. 515.

³⁴ *Rot. Pat.*, 42 Edw. III, pt. 2, m. 29 d.

m. 4 contains the following headings: 'Placita apud Wyntoniam coram Thoma de Holand, comite Kantie, et sociis suis iusticiariis domini regis ad omnimodas felonias, transgressiones et alia malefacta in comitatu Suthamtonie audienda perpetrata³⁵ assignatis die Martis proximo ante festum exaltacionis Sancte Crucis anno regni domini Ricardi regis Anglie et Francie nono. . . . Placita ibidem coram eisdem iusticiariis domini regis de pace die Lune in prima septimana quadragesime anno regni regis supradicti supradicto.'

John Sandes, William Ryngebourn, and Thomas, earl of Kent, with varying numbers of colleagues, were appointed many times on the commissions of the peace issued during the years from 14 Feb. 8 Richard II to 24 Dec. 14 Richard II.³⁶

XVII. Assize Roll 812, Staffordshire. 35-40 Edw. III. 'Placita Coronae coram W. de Shareshull et aliis.'

m. 1 contains a copy of the letters patent, dated 20 March, 35 Edw. III, appointing William de Shareshull and six others justices of the peace.³⁷

m. 2 contains a copy of the letters patent, dated 16 March, 37 Edw. III, appointing William de Shareshull, Nicholas de Beek, John Swynnerton, and John de Lee justices of the peace.³⁸

XVIII. Assize Roll 813, Staffordshire. 37-8 Edw. III. 'Placita Coronae coram eisdem.'

m. 1 has the following heading: 'Placita corone coram Willelmo de Shareshull, Nicholao de Beek, Iohanne de Swynnerton et Iohanne de Lee iusticiariis domini regis ad diuersas felonias et transgressiones in comitatu Staffordie factas audiendas et terminandas assignatis apud Staffordiam die Lune in crastino Sancte Trinitatis anno regni regis Edwardi Tercii post conquestum tricesimo septimo virtute commissionis domini regis eis inde directe que sequitur in hec verba: . . . ' Then follows a copy of the same letter patent that had appeared on m. 2 of the preceding roll.

XIX. Assize Roll 815, Staffordshire. 10 Henry IV to 2 Henry V. 'Inquisitiones coram Iusticiariis ad pacem conservandam.'

m. 1 has the following heading: 'Inquisicio capta apud Staffordiam coram Iohanne Knyghtley, Iohanne Whetals et Thoma Heuster iusticiariis domini regis ad pacem in comitatu Staffordie conseruandam assignatis die Lune proximo post festum Epiphanie Domini anno regni regis Henrici Quarti post conquestum decimo.'

On 20 Feb. 8 Henry IV, John Knyghtley, John Whetals, Thomas Heuster, and eight others were appointed on the commission of the peace.³⁹

The remaining membranes contain proceedings before various justices of the peace whose names are recorded in letters patent of the following dates: 12 June, 11 Henry IV, 21 March, 1 Henry V, and 16 Nov. 1 Henry V. The last is enrolled on m. 9.⁴⁰

XX. Assize Roll 973, Warwickshire. 4-5 Richard II. 'Indictamenta coram Roberto Burgylon et aliis.'

³⁵ MS. *perpetratis*.

³⁶ *Cal. of Pat. Rolls*, 1381-5, p. 502; *ibid.*, 1385-9, pp. 81, 82-3; *ibid.*, 1388-92, pp. 137, 138, 342, 344.

³⁷ *Ibid.*, 1361-4, p. 63.

³⁸ *Ibid.*, 1405-8, p. 497.

³⁹ *Ibid.*, p. 360.

⁴⁰ *Ibid.*, 1408-13, p. 485; *ibid.*, 1413-16, p. 423.

m. 1 contains a copy of the letters patent, dated 26 May, 3 Richard II, appointing on the commission of peace John, king of Castile and Leon, duke of Lancaster, Thomas de Bello Campo, earl of Warwick, William de Skipwith, John de Clynton, Henry Arden, William de Burgh, Robert Burgylon, John Rous, and John Catesby.⁴¹

XXI. Assize Roll 974, Warwickshire. 4-9 Richard II. 'Indictamenta coram eisdem.'

m. 1 is headed: 'De Feloniis.' 'Indictamenta de feloniis capta apud Warrewichiam die Martis proximo post festum Sancte Trinitatis anno regni regis Ricardi Secundi quarto coram R. Burgylon et I. de Catesby.'

m. 2 has the following heading: 'De Transgressionibus.' 'Indictamenta de transgressionibus capta apud Warrewichiam coram T. comite⁴² Warrewichie, H. de Ardern, Roberto Burgylon, et I. de Catesby die Lune proximo post festum Translacionis Sancti Benedicti anno regni regis Ricardi Secundi quinto.'

These names all appear in the letters patent of Assize Roll 973, *supra*.

m. 5 contains proceedings before various justices of the peace whose names are recorded in the first letters patent of Assize Roll 975, *infra*.

XXII. Assize Roll 975, Warwickshire. 6-8 Richard II. 'Indictamenta et Placita de transgressionibus coram eisdem.'

mm. 1 and 1 d contain copies of two letters patent, the first dated 20 Dec. 6 Richard II, appointing on the commission of the peace John, king of Castile and Leon, duke of Lancaster, Thomas de Bello Campo, earl of Warwick, Robert Burgylon, John Catesby, and nine others; the second, dated one day later, giving to the same thirteen men and to two others special powers for the suppression of the revolt.⁴³

XXIII. Assize Roll 976, Warwickshire. 18-21 Richard II. 'Praesentationes coram Justiciariis Pacis.'⁴⁴

m. 1 contains a copy of the letters patent, dated 10 May, 18 Richard II, appointing Thomas de Bello Campo, earl of Warwick, and five others justices of the peace in Coventry.⁴⁵

XXIV. Assize Roll 1034, Worcestershire, 21 Richard II. 'Indictamenta coram Johanne Cassy et sociis suis.' 'Placita Coronae.'

m. 1 has the following heading: 'Indictamenta nondum determinata capta apud Wygorniam die Iouis proximo post festum conceptionis beate Marie anno regni regis Ricardi Secundi post conquestum xxi^{mo} coram Johanne Cassy et sociis suis iusticiariis domini regis ad pacem in comitatu Wygornie conseruandam assignatis.'⁴⁶

On 27 July, 21 Richard II, John Cassy and seven others were appointed justices of the peace.⁴⁷

XXV. Assize Roll 1134, Yorkshire. 35-6 Edw. III. 'Praesentationes.' 'Indictamenta et Placita Coronae coram W. de Aton et aliis.'

⁴¹ *Cal. of Pat. Rolls*, 1377-81, p. 512.

⁴² MS. *comete*.

⁴³ *Ibid.*, 1381-5, pp. 252, 248. See above, p. 323, n. 14.

⁴⁴ See *ante*, xxi. 535, n. 140.

⁴⁵ *Cal. of Pat. Rolls*, 1391-6, p. 587; repeated, p. 588.

⁴⁶ MS. *assingnatis*.

⁴⁷ *Cal. of Pat. Rolls*, 1396-9, p. 228; repeated, p. 231, with a different list of names, but also including Cassy.

m. 1 contains a copy of the letters patent, dated 20 March, 35 Edw. III, appointing William de Aton, Thomas de Metham, John Mewes, William de Aldeburgh, Richard Aske, John de Benteleye, and William Ryse justices of the peace in the East Riding.⁴⁸

XXVI. Assize Roll 1135, Yorkshire. 35-7 Edw. III. 'Placita de transgressionibus coram W. de Fauconberge et sociis suis.'

m. 1 contains a copy of the letters patent, dated 20 March, 35 Edw. III, appointing Walter Fauconberge, Richard Lescrop, Robert Rouclif, John de Fulthorp, and William Lassels justices of the peace in the North Riding.⁴⁹

XXVII. Assize Roll 1136, Yorkshire. 37-8 Edw. III. 'Placita Coronae et transgressionum coram W. de Aton et J. de Middleton.'

m. 1 contains a copy of the letters patent, dated 20 Nov. 36 Edw. III, appointing Ralph de Nevill, William de Aton, and John de Middleton justices of the peace in the East Riding;⁵⁰ attached to m. 1 is a copy of a writ, dated 24 Feb. 37 Edw. III, directed to the same, bidding them not to interfere within the liberty of Holderness, since a separate commission of the peace has been issued for this district.⁵¹

Attached to m. 6 is a similar writ of the same date with similar instructions in regard to 'St. Beverley'.⁵²

XXVIII. Assize Roll 1143, Yorkshire. 28-36 Edw. III. 'Praesentationes et Indictamenta.'

m. 2 contains a copy of the letters patent of 20 March, 35 Edw. III, enrolled on Assize Roll 1135, *supra*, appointing Walter de Fauconberge and the others on the commission of the peace for the North Riding.

m. 5 contains a copy of the letters patent of the same date, enrolled on Assize Roll 1134, *supra*, appointing William de Aton and the others on the commission of the peace for the East Riding.

m. 1 seems entirely distinct from the rest of the roll and contains indictments for the years 28-36 Edw. III before Richard de Ask, seneschal of the liberty of Hoveden.

XXIX. Assize Roll 1145, Yorkshire. [Richard II.] 'Praesentationes et Indictamenta.'

m. 1 contains the following heading: 'Presentaciones et indictamenta capta apud Eboracum die Veneris in septimana Pasche anno regni regis Ricardi Secundi post conquestum Anglie quartodecimo coram Iohanne Goddard, Willelmo de Holme, Willelmo Hungat, et sociis suis custodibus pacis et iusticiariis domini regis in Estrithingo in comitatu Eboraci.'

On 28 June, 14 Richard II, John Goddard, William de Holme, William Hungat, and five others were appointed justices of the peace in the East Riding.⁵³

The roll also contains proceedings before justices of the peace, during various years of Richard's reign, in the city of York, in the West Riding, and in the North Riding.

⁴⁸ *Ibid.*, 1361-4, p. 64.

⁴⁹ *Ibid.*, p. 65. The Patent Roll has Foulford instead of Fulthorp.

⁵⁰ *Ibid.*, p. 292. See above, p. 323, n. 11.

⁵¹ Enrolled 20 Feb. 37 Edw. III; *Cal. of Pat. Rolls*, 1361-4, p. 360.

⁵² A separate commission for the liberty of St. John of Beverley is enrolled 20 Nov. 36 Edw. III: *ibid.*, p. 293. See above, p. 323, n. 11. ⁵³ *Ibid.*, 1388-92, p. 343.

The one record of the justices of labourers for this period is in a roll already identified as containing similar records for an earlier date; Indictment Roll 19, Chester, 27-38 Edw. III. 'Indictamenta Villae et Hundredi de Macclesfeld coram Bartholomaeo de Burgherssh.'⁵⁴

Most of the membranes for the later years contain proceedings before de Burgherssh, but m. 42 B⁵⁵ has the following heading: 'Indictamenta coram Roberto de Legh, Iohanne de Dauenport de Wheltrogh, et Adam de Kyngeslegh iusticiariis ad hoc assignatis per commissionem domini apud Macclesfeld die Lune proximo ante festum Sancti Barnabe apostoli anno regni régis Edwardi Tercii post conquestum tricesimo septimo.' The indictments are all for offences against the statutes of labourers. No record of the appointment of the above as justices of labourers seems to occur on the Recognizance Rolls,⁵⁶ but they may be identified by the following heading in Eyre Roll 14, Chester, 27-39 Edw. III, m. 27: 'Fines operariorum et seruientium facti coram Roberto de Leghe et Iohanne de Dauenport de Wheltrogh ad hoc assignatis per commissionem domini apud Macclesfeld die Mercurii proximo ante festum Pentecostes anno regni regis Edwardi Tercii post conquestum tricesimo quinto.'⁵⁷

The Expedition of Thomas Stukeley in 1578

THE extract which I have copied below from the Vatican MS. Vat. Lat. 5385 is a narrative of the expedition of Thomas Stukeley in 1578. It was apparently designed for an invasion of Ireland, and the pope, who had conferred on Stukeley the title of marquess of Leinster, put him at the head of six hundred infantry, levied for the purpose by Paolo Giordano Ursino.¹ Stukeley's career as adventurer is well known;² and the Calendars of State Papers contain many references to this expedition,³ though the various correspondents send exaggerated and somewhat misleading reports. It seems to have caused considerable alarm to the English government, to judge from the elaborate preparations that were made in defence, but the apprehension was mainly due, we are told, to the belief that the king of Spain was a party to the attempt. Stukeley, on his way to Italy, had stayed for some time in Madrid, and had been received there with

⁵⁴ See *ante*, xxi. 531, and my book, app., pp. 146-8.

⁵⁵ New numbering.

⁵⁶ There are several commissions to justices of labourers enrolled: Chester, Recognizance Rolls, 43, m. 1; 45, m. 1; 48, m. 2 d.

⁵⁷ Cf. *ante*, xxi. 531, n. 114.

¹ His part in the expedition is also mentioned in *Calendar of State Papers, Foreign*, 1577-8, p. 510, where the size of the expedition is hopelessly exaggerated.

² See his biography in R. Simpson, *The School of Shakespeare*, vol. i, London, 1878, and J. H. Pollen, 'The Irish Expedition of 1579' (*The Month*, January 1903, pp. 69-85).

³ *Cal. of State Papers, Domestic*, addenda, 1566-79, pp. 532, 542-3; *Ireland*, 1574-85, pp. 132, 134-6, 138, 163; *Foreign*, 1577-8, pp. 470, 484, 489, 494, 504, 510, 511, 521, 535, 555, 585, 726; 1578-9, pp. 23, 28, 35-6; *Spanish*, 1568-79, pp. 561-2, 590, 601-2.

special distinction; and certainly some colour is lent to the belief by the statement in this narrative that the embarkation on the *S. Giovanni Battista* took place not at Civita Vecchia but at 'Port'ercole, fortezza del Re catholico', to which the troops had been conveyed from Civitavecchia on two papal vessels. It is possible even that the *S. Giovanni Battista* was a Spanish ship, and Stukeley must have been expecting assistance from some quarter, as he could hardly hope to effect much with one galley and six hundred infantry. Some details of the expedition were already known from authentic sources, and are confirmed by this narrative. The start from Civita Vecchia is mentioned in several documents. Stukeley's stay in Cadiz (which lasted from the 5th to 7th April and again from the 8th to the 14th) was known from a passport given by him to some Englishmen who had been imprisoned in Rome by the inquisition and had recently been set free by the pope.⁴ His arrival at San Lucar is notified by the English consul to his government,⁵ and of his arrival at Lisbon we learn from the deposition of William Pillen, who was there from 6 April to 28 May.⁶ Our manuscript gives a detailed account of the expedition down to its arrival off Cape St. Vincent on 16 April, but at this point it suddenly breaks off in the middle of a sentence. Stukeley was clearly making for Lisbon, and he must have arrived there soon afterwards. He was apparently still in Lisbon when Pillen left, but had already arranged to join the king of Portugal in his expedition to Africa. That he took part in this expedition and met his death there we know from other sources.

The narrative is written throughout in the first person plural; the author took part in the expedition, starting from Rome with Stukeley, of whom he speaks in complimentary terms, laying stress on his coolness in moments of danger and on the order and discipline he maintained among the troops. He is clearly a man of education, and he is not content with a mere diary of events, but shows a more personal interest in the account he gives of the places which they passed or visited on their journey. It is impossible to make any certain conjecture as to his identity. He himself does not mention who were on board with Stukeley, but in the Calendars of State Papers there are some references to the latter's companions. Two merchants, who were at Lisbon, depose to having seen there 'two Romish bishops Conoghaur O'Mulrian and Donough Oge O'Gallagher with 300 soldiers and Stucley's well-appointed ship'.⁷ Poulet, who writes on 23 June

⁴ Cf. Simpson, *op. cit.*, p. 128. The *Cal. of State Papers, Ireland*, 1574-85, p. 136, gives a bad epitome of this document:

⁵ *Cal. of State Papers, Spanish*, 1568-79, p. 590.

⁶ *Ibid.*, *Domestic*, addenda, 1566-79, pp. 542-3.

⁷ *Ibid.*, *Ireland*, 1574-85, p. 163.

that Stukeley has lost credit at Rome, gets information of Stukeley's presence in Lisbon and the change in his plans from a grey friar, Thomas Bowser,⁸ who may perhaps have returned from Lisbon when Stukeley decided to go to Africa. And Pillen, in the document already quoted, states that Stukeley arrived with one Irish bishop and three or four priests. It is probably to one of these that we owe our narrative; the Italian seems to show signs of having been written by a foreigner.

This narrative is contained in ff. 63-76 of the manuscript. It has no connexion, either in the character of the writing or the subject-matter, with the other documents, mainly of a devotional character, which are bound up in the volume. The narrative commences on fo. 65^r and ends at the top of fo. 70^r, the remainder of this folio and the whole of ff. 71-4 being left blank. It is written on paper of a small quarto size in a contemporary Italian hand. A page of an older manuscript, which forms ff. 64 and 75, was used as a wrapper, and outside this again is a sheet of paper, forming ff. 63 and 76. On fo. 76^v an address, written upside down, was begun in the same hand, 'Al molto mag^{to} sig^e mro', but with no name. At the bottom of fo. 76^r there is a statement of personal expenditure on food and lodging for thirty nights; this is reckoned in the Spanish coinage of reales and maravedis and calculated on the basis of some unit which is not stated (probably an escudo), but which is equivalent to 10 reales or 400 maravedis.⁹ In attempting a faithful copy of the manuscript, I have not thought it well even to alter the inconsistencies in grammar or variations in the spelling of words; for convenience, however, I have written the names of places with capital initials.

Z. N. BROOKE.

Bibl. Vat., MS. Lat. 5385, fo. 65.

L'Anno del N.S. Mille cinquecento settanta otto, alli cinque di genaro il Sabato¹ doppo pranso partissimo da Roma per andare verso le bande di Scotia, come si diceva volgarmente, onde la dominica¹ a sera che fu li 6 del detto arrivassimo a Civitavecchia, quale siede alla marina discosto da Roma quaranta miglia, et è fortezza di S. S^{ta} di cento cinquanta fuochi in circa, di grande importanza, concorrendovi per il porto buono diversi vasselli, nel qual luoco si fece dimora giorni dieciotto per rassignare 600

⁸ *Cal. of State Papers, Foreign*, 1578-9, p. 28.

⁹ It may be fanciful to hazard the conjecture that these thirty nights represent the author's stay in Lisbon, and that the coinage used implies a Spanish paymaster.

¹ 4 January was a Saturday. Perhaps the two slips here are in the date, not in the day of the week. The writer would be likely to speak, not of 6 January, but of the festival of Epiphany. On the other hand, he says they left Civitavecchia on Thursday 23rd after a stay of eighteen days, and, as he usually calculates both days in his reckoning, 6 January would be the date of arrival. But compare *Cal. of State Papers, Foreign*, 1577-8, p. 504, which contains a communication from Rome of 4 January giving intelligence of Stukeley's departure from Rome.

fanti ordinati da detta S. Sta per andare in Scotia, di quali fu fatto generale L'Ill^{mo} et Ecc^{mo} s^r Marchese di Lenster s^r et gentilhuomo Inglese. Quindi poi partissimo alli 23 detto il giobbiadi a due hore di notte sopra due gallere di S. Sta l'una detta S^{to} Paolo et l'altra S^{to} Pietro, et con vento da terra la mattina nel far del giorno gionsimo a Port'ercole fortezza del Re catholico, et altre volte sotto lo stato di Siena, quivi soprasedessimo per spacio di giorni dieci, et un' altra volta si rassignò la detta fanteria, quale dopo esser stata rassignata in presentia dell' Ill^{mo} et Ecc^{mo} s^r Paolo Giordano Ursino d'ordine del pre^{to} s^r s'imbarcò sopra la nave detta s^{to} Gio' Battista et lui doppo haver raccomandata detta fanteria al pre^{to} s^r marchese da parte di S. Sta, ritornò con le medesme gallere a Civitavecchia, et la nave si parti dal detto porto per andare al viaggio di sopra, alli 3 di febraro il giorno di S^{to} Biaggio navigando per dui giorni senza gran vento sin' all' Isola de l'Elba, a lato della quale siede non molto discosto monte Christo, La Pianosa et altre isolette, ma il terzo giorno si rinforzò il vento in popa, et in favor nostro, onde lasciando l'isole di Corsiga et Sardegna intrassimo nel golfo del Leone, nel quale si scorse fortuna per quattro giorni di venti rinforzati et pioggia, ma come piacque al s^r Iddio, la nocte di carnoval^e si scuoperse un fuoco, quale significava che eramo vicini a terra, et il seguente giorno la mattina che fu alli xi detto, la nave pigliò porto in Catoglonia in un luoco detto Porto Palamos a hore dieciotto, per far aqua et rinfrescare li soldati, alcuni delli quali essendo scesi in terra quel giorno medemo, per rinfrescarsi, restorono feriti dalla gente di quel luoco, per una tenzone che si fece per causa di detti soldati quali volevano portar un' archibusetto contra la volonta di detta gente, et cossi parte di detti feriti restò in mano loro, parte venne in nave, non gia che occorresse morte d'alcuno, et il seguente giorno s'imbarcorono gl'altri feriti: era quel luoco piccolo da cento cinquanta fuochi, ma ameno molto come si diceva, et mostrava la campagna. Doppo esser stati sei giorni in quel luoco et provisto di quanto era necessario per la nave, il prefato s^r Marchese fece tirar l'ancore, et dar le vele al vento il lunedì a hore sedeci, che fu alli diecisette del detto, et con vento siroccale andassimo al viaggio nostro, navigando per tre giorni col detto vento, ma il mercoledì a sera a un' hora di notte, essendo per spontar la punta del Faxi, ò Alfaxi,³ et entrare nel golfo di Valenza doppo haver vista tutta la riviera di Cathologna, Barcel-lona et altri luoghi, sopragiunse un vento di ponente maestro con pioggia et lampi dal cielo, quale menaciandone di tempesta [fo. 66] ne fece ritornar a rietro, et certamente dubitavasi molto di naufraggio, ma volendo nostro s^r Iddio mostrare la sua grande misericordia, ne mandò il lume di S^{to} Helmo⁴ denottando gran fortuna, più che non si dubitasse; et il detto lume si pose in cima l'arbore del trincheto, della vela maestra, sopra una croceta, dove stete per un quarto d'hora, et doppo che fu da marinari salutato con un tiro d'artelleria, aventò, lasciando ogniuno con gran dubio, perche si rinforzava il vento; et la pioggia con i lampi tuttavia aumontavano, quali facero maggiore dubitare, per esser venute ancora due inondationi di mare molto terribili et spaventose, sendo l'aqua salita sopra

² As Ash Wednesday fell on 12 February, this must mean the evening before the Carnival.

³ Alfaques.

⁴ St. Elmo's fire.

la nave in gran quantità; ma volendone assicurare di naufraggio il nostru S^r lo mandò di nuovo in quel luoco di prima significando che non si dubitasse, come fece Jesu Christo a S^{to} Pietro, dicendo te modice fidei quare dubitasti? demonstrandone la puocca fede et incredulita nostra: et cossi tutta la gente di nave inginocchiò con orationi et voti, col sono d'una campanella che era in detta nave, il salutò un' altra volta, onde essendo detto lume stato per alquanto con un lampo del cielo sparito, la nave diede per due volte un crollo a modo di terremoto, la qual cosa fece paura a piu di sei, ma il pre^{to} s^r Marchese uscito di sua camera, come pratico ch' egli era, et non nuovo in simili accidenti, stete per quattro ò cinque hore confortando ogniuno, et facendo cuore, tanto a marinari ch' a soldati, et comandò che s'alzassero le callate vele, pigliando il vento come veneva ancor che contrario: et navigando tutta la notte con tal tempesta la mattina nel far del giorno il cielo si fece di nubilo sereno, et avene a noi come scrive Vergilio al figlio d' Anchise; dicendo

Tota pluit nocte redeunt spectacula mane:⁵

In quel giorno ci trovassimo a dietro la strada quale havevamo fatta presso cento miglia, et sotto Barcellona dieci, dove passò a miglior vita un soldato della compagnia del cap^{no} Giovanni Rubbiano da Farano,⁶ chiamato Gio' Battista figli^{lo} di Matheo da Pesaro; et il giorno di sopra, havendo salto gran pezzo su le volte, il vento si voltò in favor nostro, riportandone in quatro giorni al luoco dove prima, dove arrivassimo una dominica a notte, et volendo di novo spuntar la detta punta per ingolfarne nel detto golfo di Valenza, rivenne quel medemo vento qual di sopra, et ne fece stare, il lunedì et martedì, sopra le volte, ma la notte seguente per il vento contrario fossimo costretti ritornar a dietro, et la mattina a hore 14 pigliar porto in un luoco detto Salò dicosto d'Aragona città di Cathologna da quatro miglie in circa, nella spiaggia de quel luoco detto Salò giace un gran' edificio alla riva del mare, inhabitato, come dicono, per causa di certi spiriti, di cio ne fecero prova alcuni di nostri soldati, quali sbarcatosi per rinfrescarsi, furono costretti, per la furia del mare [fo. 67] quale gli vietò il ritornare in nave, non potendo la barca di essi avvicinarsi a terra, dormire in detto luoco per tre ò quattro notti, dove sentirono gran strepito, et non puotero mai dormire, se non il giorno, in campagna. In quella spiaggia morirono due altri soldati, pur della detta compagnia, l'uno di quali si chiamava Pompilio da l'Anguilara, et l'altro Rubino di Simone corso; quivi sopradesse da sette a otto giorni con venti maestri ponenti, a noi contrarii, si che essendosi mutati i venti pre^{ti} in tramontana, il cap^o della nave dubitando del non sicuro luoco, per esser spiag^a. et che gli sopravvenisse qualche furia maggiore, fece salpare per far vela, ma salpando per il vento gagliardo che soffiava si ruppe una gomona, et restò l'ancora in mare, di modo che fu bisogno d'un fondo a un'altra ancora, et quivi fermarsi sino al mercore mattina che fu alli cinque di marzo, nel qual di doppo haver trovata l'ancora ci levassimo con venti buonì siroccali, navigando con gran

⁵ This line (beginning, of course, 'Nocte pluit tota') was ascribed to Vergil in the early middle ages. This ascription forms part of the familiar 'Sic vos non vobis' story. Cf. Comparetti, *Vergil in the Middle Ages*, p. 143 (Engl. transl., 2nd edition, London, 1908).

⁶ Perhaps Fabriano or Fano.

tranquilita di mare, lasciando a dietro il sabato a sera lo scoglio detto Colombo,⁷ ma la notte a tre hore il mare venne tempestoso, et il ciel nubilo, lampeggiando con pioggia molto grave, li venti erano gagliardi et secondo il nostro viaggio, ma perche era la tempesta grande, le vele del navilio vecchie, et molto debili, et finalmente tutti li fornimenti di esso, il nochiere doppo haver visto per due volte il lume del quale s'è fatto qui avanti mentione, nel luoco dove sopra, et fattolo salutare, fece callar le vele, stando cosi sin' a tre hore inanti giorno, a qual hora per essersi mutato il vento et adolcitosi il mare il pre^{to} s^r Marchese comandò che s'alzassero le vele, ove la mattina ci trovassimo a dietro del camino di prima, da quaranta miglia, scoprendo in quel giorno a hora di terza il cavo S^{to} Martino, al quale il precedente giorno eramo stati vicini da sei miglia, et doppo haver navigato dui di et due noti arrivassimo al nostro viaggio di prima, et il martedi alli undici di marzo la mattina ci trovassimo vicini a un luoco detto Aliquante, nel qual luoco si gittorono l'ancore a mezzo giorno; mandando subito la barca della nave a terra per far aqua, con intento di non far quivi dimora, mali venti che si messero da ponente ne fecero soprastare per otto giorni, et vedere la citta, come diceva il popolo d'essa che era di grandezza di cinquecento fuochi in circa: circuita di bellissime mura, con suoi belluardi, et inespugnabile, contenendo nel circuito d'essa un monte di gran altitudine, sopra il quale siede una fortezza, per la cui guardia sta solo un castellano con vinticinque huomini, ancor che, occorrendo di combattere, ve ne possino stare a piacere ottocento, et non vi si puo salire che uno per volta ò duoi al più. Questa et dal lato della marina et da terra rende detta citta molto sicura. Non starò a raggion[are]⁸ delle commodità che vi sono, dell' abondantia de vini buonissimi, et adoratione di più fontane, tanto di [fo. 68] fuori che dentro, et di molte altre cose quali tacerò per ritornare al viaggio nostro; nel quale doppo esser quindi partiti il martedi seguente a due hore di notte, in conserva di due navicelle portug^{si} con vento da terra, navigassimo per duoi giorni volteggiando sempre, nel qual tempo avanti noi vinti miglia si scoperse una nave, quale havendone lei ancora scoperti, tolse il vento in popa, et ne venne a ritrovare, ma per che dubbitavamo che fosse de nemici, havendola veduta partir di sì lontano per venire a ritrovare, ogniuno pigliò l'arme pensando di darli l'assalto, ma il pensier nostro andò fallato, perche all' insegne si conobbe che era nave de francesi, et poi venuta a parlam^{to} con nuoi disse che venisse da Marsiglia, et andava in Portugallo, onde gli fu risposto che andaremmo di conserva, con le dette due altre navicelle; et con questo la si parti, andando alla volta delle dette due navicelle, a una delle quali fece callar le vele, mettendone tutti in dubbio poi, che fosse de corsari, et ogniuno mormorava di non haverli dato l'asalto. Però il seguente giorno nel far de l'aurora, la ci trovassimo al fianco et veramente li soldati volevano eseguire il loro intento, ma fu ordinato dal prefato Ill^{mo} s^r che non vi si dasse molestia di sorte alcuna, conoscendola che non era de nemici, però con tutto cio non si puote far, in tanta moltitudine de genti, che non vi si tirasse due archibusate, quali furono per ferire un de marinari di essa, il che fu caggione di farla scostare da noi per tutto quel giorno, ma

⁷ Perhaps Calumbrates.

⁸ The last letters of this word are obliterated by a blot.

la sera a due hore di notte nella prima guardia havendo trapass^{ta} l'Isola di S^{ta} Paola si ritirò con noi, per haver sentito dui tiri d'artilleria, l'uno al cavo del Gippo, et l'altro a un luoco detto Vardama,⁹ et che tutte le guardie et torri vicine alla marina fecero segno di fuoco sin'a Quartagenova,¹⁰ qual cosa significava che a l'Isola grande vicina Quartagenova erano fuste ò vij galliote de turchi, come fu veramente, per che la mattina seguente che fu il Venerdi S^{to}¹¹ scopersimo due vele latine quali remorchiavano una vela quadra il che ne fece star piu avedute, et con l'arme sempre in pronto et le tre altre navi di paura non si partirono mai da noi piu d'un miglio; et certam^{te} la comp^a nostra gli fu piu che necessaria per che il sabbato, che fu il giorno seguente, a l'alba del giorno venero due galiote a visitarne, ma per che gli pareva la partita ineguale si ritirorono, lascian-done con quel dubbio d'haver sempre fuste adosso, facendone piu diligenti del solito. Et cosi facessimo la pasqua, doppo haver fatta molto peggior quadragessima. Non mi voglio piu qui fermare per andare al stretto di Gibelterra, alla bocca del quale arrivassimo alli 3 d'aprile un giobbiadi a hore vintitre, in compagnia della nave de francesi solamente, essendo l'altre due restate a Vismalica¹² per un vento che venne contrario, et con fortuna. All' intrar del stretto verso settemtrione si trova un monte grandissimo, a pie sta il luogo detto Gibeltaro, et correndo piu oltre dal banda di Barbaria resta per mezzo giorno [fo. 69] un altro monte a pie del quale siedono due fortezze, Scuta¹³ et Tangeri, non molto distante l'una da l'altra, sottoposte al Re di Portugallo. La terra della parte di settentrione dall' oposita e distante da 12 miglia in circa, ma per non fermarmi in quel luogo si stretto, et andar alla volta di Cadici, dirò come il med^o giorno, la sera a un' hora di notte, intrati che fossimo nel mare oceano, con buon vento da levante, la pre^{ta} nave de francesi s'ingolfò tirando verso Lisbona, mettendo un fanale accio la dovessimo seguitare, non sapendo nostro pilloto passar piu avanti di Cadici, et per che non era punto d'acqua in nave, fossimo costretti andar in detto luoco nel quale arrivassimo il sabato seguente che fu alli cinque detto. La si fece gran mun^e d'acqua con gran diligenza. Et si tolse un piloto, che ne conducesse in Lisbona per non perdere si buon venti che regnavano, pensando in breve arrivarvi, pero il terzo giorno doppo partimo con buon vento navigando quel giorno sin a mezza notte molto avanti, ma sopragionto un vento da ponente molto gagliardo qual era per durar assai, come dicevano li marinari, fossimo costretti ritornare a rietro nel porto di detto Cadici et S^{ta} Maria, nel quale arrivassimo alli otto del detto, fermandone quivi sino alli 14 nel qual tempo si fece gran provisione d'acqua, al detto porto S^{ta} Maria, ma mi bisogna dir prima, che da Gibeltarro in Cadici sono da 60 miglia, et nella costa che sta di mezzo sono campi piu abbondanti d'erba che altri che siano in tutta Spagna dove nascono anco li miglior grani che si trovino in quei paesi. Cadici è terra molto callida abundantissima di grani et vini, et de tutti altri allimenti, et e isola piccola, dove sono le Colonne d'Hercole; per la parte d'austro ha molte seche et per la parte di settentrione ha un braccio di mare dove vi è buon porto, quale ha l'intrata da ponente, questo è il

⁹ Perhaps Guardamar.¹⁰ Cartagena.¹¹ 28 March.¹² Velez Malaga.¹³ Ceuta.

riposo et porto di tutte le navi che viengono da levante et ponente, et e una delle maggior scale della terra de Christiani. Dentro questo braccio sta il porto S^{ta} Maria qual ha un gran canale, nel quale entra un fiume detto Guadalete, qui si fece la giornata dove il Re Rodrigo perse la Spagna et è gran luogo, abundantissimo d'ogni cosa, massimo di sali[ne].¹⁴ Da questo porto a San Lucar sono 15 mig^a, in San Lucar entra un fiume detto Guadalquivir molto grande nel quale entrano le navi per andar in Siviglia. Ma per non star a ragionar minutamente d'ogni cosa, dirò ch'è essendo partiti un' altra volta dal detto porto di Cadici alli 14 detto il lunedì, navigando con buon vento arrivassimo il mercore seguente¹⁵ la mattina al cavo S^{to} Vincenzo, avanti che s'arrivi al detto cavo da ottantà miglia è un logo detto Lepe dove incomincia il Rego di Portugallo. In cima al cavo S^{to} Vincenzo sta un convento, con un poco di fortezza, et alla punta d'esso vista discosto da 25 passa uno scoglieto

An Unknown Treaty between England and France, 1644

IN a Precedent Book of John Nicholas (son of Sir Edward Nicholas, secretary of state), preserved among the manuscripts of the British Museum (Add. MS. 15856, fo. 81), is a copy of a 'Traité entre Louys XIV Roy de France et Charles Roy de la Grande Bretagne fait à Ruel l'année 1644'; and among the original drafts (Add. MS. 12184, fo. 304) of the dispatches of Sir Richard Browne, the English ambassador in France, is a description of its signature. This document, which was called by contemporaries a treaty, but is technically rather an 'engagement' than a treaty, seems to have escaped the notice of historians of the period. The only mention that I have found of it is in Flassan's *Histoire de la diplomatie française* (1811), where it is simply called a 'serment'—a term which is hardly adequate. Dr. Gardiner does not mention the object of Goring's embassy to France, nor its progress after the interception of his letter to the queen in January 1644; and, writing of the following October, states that the negotiation with France 'had not advanced far since June',¹ thus ignoring the fact that a treaty had been signed in July. Professor Firth writes: 'Towards the end of 1643 Goring was sent ambassador to France to negotiate for a French alliance, and received from Mazarin promises of aid both in arms and money. The letter in which he announced his success to the Queen was intercepted by the Parliament, and he was promptly impeached for high treason. . . Charles rewarded Goring's zeal by raising him to the title of Earl of Norwich (28 November 1644).'² But Dr. Firth does not

¹⁴ There is a blot obliterating the end of this word.

¹⁵ 16 April.

¹ Gardiner, *History of the Great Civil War*, ii. 38.

Dict. of Nat. Biogr., under 'George Goring'.

mention the treaty nor suggest that Goring was created earl of Norwich immediately on his return from France as a reward for having brought his negotiations to a successful end.

Goring had been accredited as ambassador extraordinary to France in August 1643 'to renew the former Articles of Peace and Confederation between England and France upon the death of Louis XIII', and 'to treat and enter into a nearer and firmer Alliance with that King and the Queen Regente his Mother'.³ He entered Paris in state on 25 November/5 December, and had audience on 13/23 December.⁴ He was then free to proceed with his business in private conferences, Mazarin giving him 'all the assurance that words could testify of real and speedy assistance from hence' so far as circumstances admitted.⁵ It was not, however, until 3 July (n.s.) 1644 that Goring finally achieved the object of his embassy, and the 'Traité fait à Ruel' was signed between England and France. It is a document which cannot be overlooked in considering the relations between England and France, since it is of importance as illustrating the change of French opinion in the king's favour, and as showing that France had at last declared herself on the king's side in theory, though in practice she intended to do little. Treaties were still regarded as personal matters between the contracting rulers, and it was still customary on the death of a king for his successor to renew his treaties, though failure to do so did not by any means proclaim a desire for war, and was not regarded as a *casus belli*. Goring had been fairly successful in obtaining arms for Charles I. But although he was granted private audiences by both queen and cardinal, and seemed to be treated with great respect, he did not succeed in obtaining the renewal of the alliance until after seven months of negotiation and fourteen months after the death of Louis XIII, and until the feeling in France had decidedly veered round in Charles's favour.

The document itself simply states that Louis XIV and his mother the queen regent swore to observe the treaties of 1606, 1610, 1625, 1629, and 1632 between the Crowns of England and France, and that Louis undertook to repeat the oath when he came of age; but its importance is not due to its terms, which simply renewed the *status quo*, though it must be remembered that these treaties had been drafted before encouragement had been given to the Scots by Richelieu and before friendship had developed between France and the English parliament during

³ Goring's instructions dated 28 August 1643, Add. MS. 15856, fo. 11 b.

⁴ Browne's dispatch, Add. MS. 12184, fo. 244; *Mercure François*, xxv. 156; Evelyn's *Diary*, i. 46.

⁵ *Clarendon State Papers*, ii. 163; *Lords' Journals*, vi. 375; *Commons' Journals*, iii. 362.

the cardinal's last years. Its real significance is that it registered in black and white an alliance between the kings of England and France. As France would not, and probably could not, do anything effective to help Charles at that moment the form of the alliance mattered little ; the fact remained that, if France ever did join in the war in England, this treaty pointed to intervention on the royalist and not on the parliamentary side ; its effects were negative rather than positive.

The elaborate ceremonial used at Ruel, described by the contemporary *Mercure François* ⁶ as something to be noted, showed that to the French at least it was meant to appear a matter of importance and not a mere matter of form. As for definite results the treaty had none, unless the arrival of Montereul in England a year later may be regarded as one ; but that it inaugurated, or rather was the result of, a new feeling in France towards England was shown by the reception given to Henrietta Maria in France when she arrived there at the end of the month.

DOROTHY A. BIGBY.

Le Traité entre Louys 14^e ⁷ Roy de France et Charles, Roy de la Grande Bretagne, fait l'année 1644 à Ruel.

Le troisieme jour de Juillet mille six cens quarante quatre. Tres haut Tres excellent et Tres puissant Prince Louis par la Grace de Dieu Roy de France et de Nauarre n^{re} Souverain Seigneur. Et tres haute tres excellente et tres puissante Princesse Anne par la mesme Grace de Dieu Reine Regente sa mere presente et assistant le tres illustre Seigneur le Sieur Baron Goring Vicechambellan et Ambassadeur Extraordinaire envoyé de la part de tres haut tres excellent et tres puissant Prince Charles aussi par la grace de Dieu Roy de la Grande Bretagne ont fait et presté le serment que leurs Majestez devoient faire suivant les Traitez faits entre les Roys leurs Predecesseurs des années 1606. 1610. 1625. 1629 et 1632 duquel serment la Teneur ensuit.

Nous Louys par la Grace de Dieu Roy de France et de Navarre jurons en foy et parole de Roy et promettons nos mains touchants les Saincts Euangiles en la presence d'illustre personne le Sieur Baron Goring Vicechambellan et Ambassadeur Extraord^{re} Deputé et envoyé pour cet effect par tres haut tres excellent et tres puissant Prince Charles par la mesme Grace de Dieu Roy de la Grande Bretagne nostre tres cher et tres aimé Oncle, bon Frere, et ancien Allié, que Nous obseruerons et accomplirons tous et chacuns les points et Articles accordez et portez par les Traitez faicts et concluds par les Roys nos Predecesseurs avec nos Royaumes, pais, Estats et subjects et specialement ceux des Années 1606, 1610, 1625, 1629, et 1632 ; ainsi qu'ilz ont esté resolu et ratifiez et selon qu'ilz se trouueront deroger les Uns aux autres. Lesquels Traitez et Articles Nous auons approuvez et confirmez et en jurons deuant Dieu et promettons l'observation à mains jointes. Et que jamais Nous ne contreviendrons à aucuns

⁶ *Mercure François* (1644), xxv. 156-60.

⁷ '14th' in MS.

points et articles des dictz Traitez directement ou indirectement, ains empescherons de nostre pouuoir qu'ilz ne soyent violez en aucune maniere. Dautantage Nous promettons de reiterer le present Serment quand Nous serons venus en aage de Majorité Et que nous en serons deuement requis. Et Nous Anne par la mesme Grace de Dieu Reine Regente de France et de Nauarre apres auoir semblablement en tant qu'a nous est agrée approuué et ratifié les dits Traitez jurons devant Dieu la confirmation et obseruation d'iceux nos mains jointes et touchants les Saintz Euangiles, et promettons qu'il n'y sera en aucune sorte et maniere contreuenue. Et mesme que nous tiendrons la main et procurerons que le susdit Serment que le Roy nostre tres honoré Seign^r et filz fait a present sera par luy reiteré en la forme qu'il conuiendra, quand il aura atteint le susd^t aage de Majorité, en foy et tesmoignage de quoy Nous auons publiquement signé ces presentes de nos propres mains et à icelles fait mettre et apposer nostre Scel, en l'Esglise de St Pierre a Ruel ce 3^{me} jour de Juillet 1644, ainsi signe Louys et Anne.

A laquelle Ceremonie se sont trouué Monsieur le Duc de Cheureuse Pair et Grand Chambellan de France, Monsieur Seguier Dautry Comte de Gien Cheualier, Chancelier de France, Mons. le Duc d'Usez Pair de France et Cheualier de ses ordres, Mons. le Comte de Schomberg Duc d'Haluy Pair et Mareschal de France Cheualier de ses Ordres, son Lieutenant G^{ral} en Languedoc et Gouverneur des pais de l'Euesché de Mets et pais Messin Comté et Euesché de Verdun, Le Sieur de l'Hospital Mareschal de France aussi Cheualier de ses Ordres et son Lieutenant General en Province de Champagne et Brie, Le Sr de Bailleul Cons^r du Roy en ses conseils, President de sa Cour de Parlement de Paris, Chancelier de la Reine et Surintendant des Finances de France, Les Sieurs de Leon et de Bellieure aussi Conseillers etc. et plusieurs autres du dit Conseil, et l'Euesque de Meaux premier Aumosnier de sa Majesté tenant et luy presentant le Liure des St^s Euangiles. En tesmoignage de quoy a la resqueste du dit Sieur Baron Goring et par commandement de leurs dits Majestéz Nous Henry Auguste de Lomenie Comte de Brienne, Louys Phelypeaux Sieur de la Vrilliere, Henry de Guenegaud Sr du Plessis, et Michel le Tellier Cheualier, Conseillers du dit Seigneur en ses Conseils d'Estat et Secretaires des Commandemens de sa dite Majesté, auons signé la presente de nos mains à la maniere accoustumée l'an et le jour que dessus signé.

PHELYPEAUX	DELOMENIE
DE GUENEGAUD	LE TELLIER

Et scellé du Seau du Roy
tres Chrestien

9th July 1644
St N^o.

The renewinge of the Treaties betweene the two
Crownes in Ruel Church.⁸

Sunday last the third of July sti: no: being y^e day appointed for renewinge the Alliances betweene England and France, My Lord Ambassador: was by the Duke de Cheureuse and Mons^r de Berlize (Introducteur des Ambassadeurs) conducted in the Kinges coach from a house hee had for that purpose taken neere Paris (diuers coachfulls of English

nobility and gentry accompaninge) to the Court at Ruell, where after some stay in the Cap^{tne} of the Guards Chamber his Lopp. was by the same persons brought upp into the Kings Bedchamber, and from thence by this King lead by the hand into a Hall where hee that day dined in publique under a cloth of State, my Lord Ambassador beinge plac'd onn the same side of his table upon his left hand about three Seates distante from him. After dinner the King in the same manner led my Lord backe into his Bedchamber, from whence hee was reconducted into the Captaine of the Guards Chamber, and from thence by the Duke of Chereuse and Mon^r de Berlize to the parish Church in Ruell where the King and Queene were at Vespres, towards y^e latter ende whereof the Bishop of Meaux the Kings chief Amner brought the Holy Scripture upon w^{ch} the King and Queene laying theire handes solemnly swore the renoual of all the Treatyes betweene the two Crownes, the form of w^{ch} oath was read unto them by the Comte de Brienne and was afterwards signed (the Comte de Brienne guiding his hande) by the King and Queene. The Chancellor of France assisted in his purple Robes. The Church was richly hang'd for this purpose, the Herreds of Armes were present, and Drums and Trumpets were not wanting. The Queene at Hir signing tooke occasione from an accidentall blott Hir penn made to assure my Lord Ambassador that though Hir hand fayled Hir heart was most upright and reall and exceedinly well affected to what She was then doing. The young King in all the part hee had to acte caryed himselfe wth a cheerefull steadinesse and manlinesse farr aboue his yeares, and the whole ceremony of this day was by the French performed wth soe much regard to his Mat^{ies} honour and with so much contentement of those of our nation present as that itt will I hope prove the ground work of a neerer union and correspondence betweene the two Crownes, w^{ch} I cannot but mention as a particular hapinesse and meritt of my Lord Ambassado^r thus to leave His Mat^{ies} affaires heere in a very good posture, and after his wise and noble carriage in this Court to goe away in the great estimate of this Queene and these Ministers.

Baudin's Voyage of Exploration to Australia

THE French voyage of exploration, under the command of Captain Nicholas Baudin, in 1800-4, has been the subject of much speculative writing. The fact that an elaborately equipped expedition was sent to pursue investigations in the southern hemisphere during the Napoleonic consulate, has led to the inference that by means of this project Bonaparte designed to extend the realms of France even to Australia.¹ In opposition to this view I have endeavoured to show that Baudin's expedition originated, not with Bonaparte himself, but with the institute of France; and that its purpose, as professed, was exploratory and scientific, and in no sense aggressive or political.² But I was at

¹ See J. H. Rose, *Life of Napoleon*, i. 379, 381.

² *Terre Napoléon*, London, 1910.

the disadvantage that, according to my information, no manuscript material bearing upon the subject was preserved at the Archives Nationales.³ Further research has, however, brought to light not only the minister of marine's instructions to Baudin, but the plan prepared by the institute, full details and estimates concerning the equipment of the vessels, a number of dispatches sent to France, by the commandant, from various ports during the progress of the voyage, a long and extremely interesting letter written by Baudin at Port Jackson in 1802, and a variety of other documents, all unpublished, which enable the origin and progress of the expedition to be traced independently of the three volumes of the *Voyage de Découvertes aux Terres Australes*, published by Péron and Freycinet in 1807-16.

I propose now to direct attention only to the official papers relating to the origin of Baudin's voyage and the instructions given by the minister of marine. The earliest of these are two memoranda,⁴ addressed by Baudin himself, the one to the minister of marine, the second to the members of the institute. In the former he outlines a

Projet de voyage à exécuter par ordre du Gouvernement françois, et dont le but est de rectifier la position des différentes isles et écueils connus dans l'étendue des mers du Sud ; approfondir le caractère et les mœurs des Peuples répandus sur cette partie du Globe ; leur donner une idée de nos arts et manufactures ; faire naître parmi eux le besoin de nos productions, connoître celles de leur sol, et enfin en rapporter, pour l'instruction publique et l'utilité économique de la France, les quadrupèdes, oiseaux, végétaux et minéraux utiles aux progrès des sciences et avantages au commerce national.

Baudin urges the furtherance of commerce, science, and art, as the principal motive which has determined him 'à mettre sous les yeux du gouvernement l'utilité d'une entreprise digne du nom françois'; and he expressly observes that this voyage 'n'aura pas cet esprit d'aventures et de conquête qui a trop souvent dirigé les expéditions maritimes'.

In his memorandum to the institute, Baudin states that the government has authorized an expedition to be dispatched, and he describes its purpose in these terms :

Le Plan de ce voyage en dépôt dans les Bureaux du Ministre de la Marine a pour objet de vérifier quelques points douteux de géographie, de relever des côtes inconnues, de visiter les peuplades qui les habitent, de reconnoître, s'il se peut, l'intérieur de leur Pays, de les enrichir par échanges ou par dons des animaux et végétaux qui peuvent s'acclimater sur leur sol, et offrir dans la suite des ressources aux navigateurs, de

³ So too Dr. Rose, i. 379, who thought that 'probably it was suppressed or destroyed'.

⁴ Archives Nationales, Marine, BB 4, 995 and 999.

recevoir de ces nations en retour les productions propres à augmenter nos richesses nationales, de faire dans ces lieux inconnus, ou dans d'autres qui n'ont pas été assez visités par les voyageurs instruits, des recherches relatives à l'Histoire Naturelle et des collections qui tendroient à compléter dans tous les genres celle qui est déposée au Muséum.

A third paper,⁵ dated 4 Floréal, An VIII (23 April 1800), contains the 'Plan du Voyage' drawn up by the commission of the institute charged with the duty of supervising the preparations for Baudin's voyage. It reported its conclusion that the best scope for exploration was in New Holland (Australia),

qui forme un Continent de plus de sept cent lieues de longueur sur trois ou quatre cent de largeur, qui est située dans les plus beaux climats, et qui est encore aujourd'hui une terre neuve pour les Européens. On ne connoît encore que la lisière ou les Bords de la moitié de son contour; savoir la côte Orientale qui a été vue par Cook, depuis le 10^e jusqu'au 38^e degré de Latitude sud. La côte sud de Vandiemén,⁶ qu'on supposoit jusqu'à ce jour être une partie de la Nouvelle Hollande, et que les Anglais ont reconnue en 1798 et 1799 être une isle qui en est séparée par un détroit assez large. La moitié de la côte méridionale qui a été vue par Dentrecaesteaux et Vancouver⁷ et la côte sud-ouest qui a été reconnue plus particulièrement par les Hollandais. Il reste donc à reconnoître la moitié de la côte du sud ou l'espace compris entre la terre du sud de Vandiemén et l'extrémité de la côte vue par Dentrecaesteaux, qui n'a point encore été abordée par personne, une partie de la côte sud-ouest depuis la pointe sud de la terre de Leuwin jusqu'à l'isle Rottenest; et toute la côte du nord-ouest depuis la rivière Guillaume jusqu'au détroit de l'Endeavour.

The commission was of opinion that an exploration of these unknown or imperfectly known coasts would prove

très intéressante pour les sciences ainsi que pour la politique. Il importe à la France de bien connoître les deux détroits qui séparent la Nouvelle Hollande de la terre de Diemen au sud et de la Nouvelle Guinée au nord. Cette considération seule serait un motif assez puissant pour déterminer d'entreprendre cette expédition.

A comparison with the instructions prepared for the south-sea voyages of Lapérouse (1785) and Dentrecaesteaux (1791) leaves no doubt that the institute's plan for Baudin's voyage was the work of the same hand. Charles Claret, Comte de Fleurieu, an authority on historical geography of pre-eminent distinction in France at the time, was the author of a voluminous work on *Découvertes des Français dans le sud-est de la Nouvelle Guinée*, and was consulted by Louis XVI from the very inception of the scheme of exploration of which the expedition of Lapérouse was the result. His detailed knowledge of the geography of these

⁵ Archives Nationales, Marine, BB 4, 999.

⁶ i. e. Tasmania.

⁷ *Sic*.

regions enabled him to indicate precisely where important results would be most likely to be achieved. The reference to the coasts 'que les Anglais ont reconnu en 1798 et 1799', shows that he had kept his knowledge up to date, for these allusions were to the recent discoveries of Bass and Flinders. Fleurieu had, however, it is clear, no previous acquaintance with Baudin, whose name, throughout the plan, is spelt 'Beaudin'.

The most interesting of the new documents is a 'Mémoire pour servir d'instruction particulière au Cm. Baudin, Capitaine des Vaisseaux de la République', in which 'l'objet que le Gouvernement s'est proposé' is set forth at length.⁸ In this paper Baudin is directed to pay attention to those coasts of New Holland 'dont quelques-unes sont encore entièrement inconnues et d'autres ne sont connues qu'imparfaitement'. 'Tous ces Pays,' he is informed,

à peu près nouveaux pour nous, présentent un vaste champ aux opérations de la Géographie et aux recherches de tout genre, qui peuvent concourir à perfectionner les Sciences naturelles et accroître la masse des connaissances humaines.

Pour remplir les vues du Gouvernement, le Cm. Baudin emploiera assidument, et avec tout le zèle dont il a donné des preuves, les savans, les ingénieurs, les artistes, et les moyens qui ont été mis à sa disposition, tant pour fixer avec précision la position géographique des Points principaux des côtes qu'il visitera, et pour en lever des cartes exactes, que pour étudier les Habitans, les Animaux et les productions naturelles des Pays où il abordera : à l'égard des productions, il s'occupera de rassembler celles qui paroîtront susceptibles d'être conservées ; et il s'attachera principalement à se procurer les Animaux et les Végétaux utiles, qui, étrangers à nos climats, pourroient s'y naturaliser.

After prescribing the route which Baudin was to pursue, the *mémoire* directed him to make a detailed reconnaissance of the freshly-discovered Bass Strait ('nommé l'étroit de Basses'), which is in the neighbourhood of the English 'établissement du Port Jakson'. Down to this time the strait had been but imperfectly surveyed, the whole of its northern shores being outlined only, on an eye-chart⁹ made by Bass in 1798. Baudin was instructed to pay especial attention to the determination of the exact position of islands and rocks ; whilst his naturalists were, whenever possible, to make excursions inland, 'pour s'assurer si ce Pays, tout nouveau pour les Européens, n'offre pas des espèces d'animaux inconnus et des productions intéressantes pour la Botanique et la Minéralogie.' He was to search the coasts to

⁸ Archives Nationales, Marine, BB 4, 999 : paper headed 'Projet d'itinéraire pour le Cm. Baudin'.

⁹ That is, a chart of a part of the coast roughly drawn as a vessel ran along it, as distinguished from a chart based on a survey.

ascertain whether large rivers existed. Baudin was then to sail along the unknown southern coasts of New Holland, as far as Cape Leuwin; to examine the west, the north-west, and the gulf of Carpentaria; and to explore south-western New Guinea.

The *mémoire* was accompanied by a long letter from the minister of marine,¹⁰ dated 'Paris, le 7 Vendémiaire, an 9' (29 September 1800), which was delivered to Baudin at Havre, whence he sailed on 19 October. The minister bade him, among other things, to encourage the younger officers to devote themselves to the study of the science of navigation and to afford every facility for the men of science who were accompanying him to pursue their investigations. He continued:

Je ne m'étendrai pas davantage sur ce qui ne concerne que votre conduite intérieure; et sûrement vous avez déjà médité sur celle que vous aurez à tenir avec les Agents des Puissances étrangères, lorsque vous aurez avec eux des rapprochements; parcourant les mers sous le pavillon parlementaire, et tous vos travaux n'ayant pour objet que le perfectionnement des sciences, vous devez observer la plus parfaite neutralité, ne faire naître aucun doute sur votre exactitude à vous renfermer dans l'objet de votre mission, et tel qu'il est annoncé par les passeports qui ont été délivrés. Dans ces rapports avec les étrangers, le succès glorieux de nos armées, la force et la sagesse du Gouvernement, les vues grandes et généreuses du Premier Consul pour la pacification de l'Europe, le calme qu'il a ramené dans l'intérieur de la France, vous fourniront tous les moyens de donner aux peuples étrangers des idées justes sur l'état actuel de la république et sur la prospérité qui lui est assurée.

Lorsque vous paraîtrez devant des étrangers, il conviendra conséquemment que vous exigiez de tous ceux dont vous serez accompagnés la décence et la réserve qui doivent s'accorder avec le caractère dont vous serez revêtu.¹¹ Faites honorer le nom français dans tous les pays que vous parcourrez; et surtout faites-le chérir par les peuples non-civilisés auxquels vous ne portez que des bienfaits, puisque le but principal de vos relations avec eux est d'enrichir la France des productions de leur pays, vous devez aussi les inviter à naturaliser chez eux celles dont vous êtes chargé de leur faire connoître l'utilité.

The minister warned Baudin to have regard to the ills that had befallen previous French navigators in the south seas, from attacks by natives; and in a concluding passage the commander was instructed to make use of such opportunities as presented themselves of sending home reports of progress.

Ils seront accueillis avec tout l'intérêt qu'inspire une expédition dont le but est d'accroître le Domaine des Sciences, d'ajouter s'il est possible

¹⁰ Archives Nationales, Marine, BB 4, 999.

¹¹ The following footnote is the minister's: 'Veillez à ce que les pratiques religieuses, les institutions politiques, et jusqu'aux usages des peuples soient respectés, non seulement par vos états-majors mais par tous les individus sous vos ordres.'

à ce que la nature a fait pour les nations qui vivent sous un autre hémisphère et de former des hommes destinés à augmenter un jour la liste des marins et des naturalistes célèbres.

This collection of documents, which describe the origin of the project and the nature of the work it was expected to perform, contains not a sentence to justify the suspicion aroused at the time, and often repeated since, that the true object was

to ascertain the real state of New Holland, to discover what our colonists were doing and what was left for the French to do on this great continent in the event of a peace, to find some port in the neighbourhood of our settlements which should be to them what Pondicherry was to Hindustan, to rear the standard of Bonaparte on the first convenient spot.¹²

Baudin, indeed, was not instructed to visit Port Jackson at all, and the eastern coasts of Australia were not included within his prescribed itinerary; evidently because that region was considered to have been sufficiently explored. The visit paid by Baudin to Sydney in 1802 was forced upon him by the scurvy-stricken condition of his crews. Nor is there any evidence in these documents that any colonizing schemes were contemplated. There is no direction to search for country where it might be advantageous to form a settlement. The instructions are limited to geographical and scientific work.

ERNEST SCOTT.

¹² *Quarterly Review*, iv. 43 (1810).

Reviews of Books

A Commentary on Herodotus. With introduction and appendices. By W. W. How and J. WELLS. 2 vols. (Oxford : Clarendon Press, 1912.)

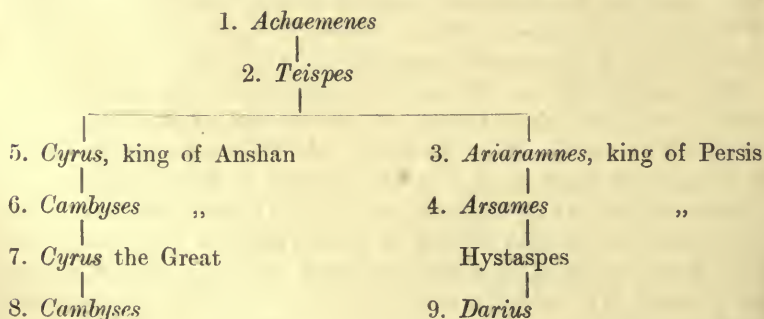
THE historical interest of this new and valuable commentary on Herodotus centres in the introduction and in the appendixes, the former dealing with Herodotus's life and the composition of his work, the latter 'ones treating of nearly all the important problems of ancient history which fall into the scope of Herodotus's work and sometimes even going beyond this. The editors are very careful in using and naming their authorities, and strive to weigh the evidence before them independently. Some of their results, or those of others which they endorse, will meet with universal approval, a good many will demand criticism. But in either case the concise way in which the evidence—both ancient sources and modern opinions—is reviewed, is praiseworthy, and will tend to render the more extensive fundamental works, such as Dr. Macan's ingenious and exhaustive treatment of books iv-vi and vii-ix and Dr. Grundy's *Great Persian War*, more accessible and better understood. I shall touch briefly on points of special interest. Even where I do not agree, I wish to emphasize my appreciation of the value of the work, which will certainly help in a high degree to promote interest in Herodotus and ancient history in this country. For brevity's sake I shall sometimes refer to the treatment many of the questions involved have received in my *Griechische Geschichte bis zur Schlacht bei Chaironeia* (cited as *Gesch.*) in A. Gercke and E. Norden's *Einleitung in die Altertumswissenschaft*, iii. 1-120, 1911.

The introduction, as well as the commentaries and appendixes, contained in the first volume (books i-iv) are written by Mr. Wells, those in the second volume (v-ix) by Mr. How. Mr. Wells agrees with Bauer and Dr. Macan that books vii-ix were written down by Herodotus first. There is certainly much in this, although, as Mr. Wells himself points out, many of the observations brought forward to prove this allow of another explanation. But if we agree that Herodotus's work has been composed somewhat like a mosaic, it is evidently a mistake to say that he must have visited Babylonia before he came to Egypt, because he refers to Babylonia in his description of Egypt in ii (i. 411). These references are surely to be taken from the point of view of the author and the reader, not from that of the traveller. Furthermore, I must continue to oppose (*Gesch.* 79) Eduard Meyer's chronology of Herodotus's travels (after Thurioi), endorsed by Mr. Wells, and the latter's misleading theory (*Gesch.* 77) of Hecataeus's work being a forgery in spite of Diels's proof to the contrary. I consider it as certain that Herodotus owed much to Hecataeus, both directly and

through the medium of Dionysius of Miletus (*Gesch.* 77 f., 83). Both the editors, it seems to me, are inclined to underrate the use Herodotus made of written sources. Nor can I agree with Mr. Wells (i. 15 f.) that Herodotus's work is complete (*Gesch.* 79) and that the unfulfilled promise as to the death of Ephialtes can be put aside as 'a mere oversight'. The Ἀσσιρίοι λόγοι are dealt with below.

Mr. Wells (i. 415 f., n. 4) rightly opposes Eduard Meyer's theory that the Sothic period was arranged as early as 4241 B.C.¹ The idea that this took place at the beginning of the next Sothic period, about 2781, is not only likely in itself, but is to my mind proved by the fact pointed out by Meyer himself, that the hieroglyphic sign for the rising of the Sothis was originally used for the solstice. So the observations finally leading to the arrangement of the Sothic Circle can only have originated at a time when the solstice and the rising of Sirius coincided. This was by no means the case in the forty-fifth century before Christ, but was a fact in the thirty-fifth century B.C., about the time when King Menes ruled. So it would be quite conceivable that the arrangement took place at the time when the great pyramids were built.

As to the genealogy of the Achaemenidae there are two problems before us which are generally (and lately again by Otto, *Deutsche Literatur-Zeitung* 1909, 3191), and by Mr. Wells (pp. 387 f.), hopelessly mixed up with one another. We must first reconstruct the genealogy which Darius had in his mind when stating that he was the ninth king and that the Achaemenidae had been kings in two lines. Only after this has been cleared up, the second task of stating whether Darius was right or wrong may be approached.² It ought to be obvious that we must not insert into Darius's own genealogy any person whom Darius, according to his own words, did not and could not bear in mind. This granted, Darius's words admit only of one interpretation. His nine kings (in Italics) were, according to both the Bisutun inscription and Cyrus's Babylonian cylinder inscription, the following:



The question whether Achaemenes was a real king or only an heroic ancestor only concerns the second, *but not the first*, of the two problems. I am inclined to consider him as a real king, the founder of the dynasty. As to Herodotus's list in vii. 11, Dr. Macan's and my own proposal to

¹ See *Klio*, viii. 225 f.

² In *Klio*, viii. 493 ff., I laid special stress on my intention of keeping to the former problem, and only threw out a few hints as to the latter.

explain it may, I think, be taken side by side: thus Herodotus's words need not be changed, but we should see the different roots of his mistake.

I now come to the Ἀσσύριοι λόγοι. Darius's cuneiform lists give not so much the people conquered by Darius as those over whom he ruled, whether they had belonged to Cyrus's empire or had been added by himself, and whether they had a share in the revolt against Darius or not. By the way, the important fact that all these revolts were quelled by Darius in the course of one year, according to the correct reading in the Bisutun inscription, might have been mentioned (p. 398). That no enumeration of the satrapies was intended is clear. A number of satrapies are composed of several people and their countries, whereas no indication of their belonging together is to be found in Darius's lists. Among others there is the ninth satrapy, consisting of Babylonia and Assyria, but called Assyria with Babylon for its capital (Her. iii. 92; i. 192). Thus it happens that what concerns Babylon is Assyrian for Herodotus, whenever he uses the terminology of the older logographoi, as he usually does, the only exception being the Lydikoi Logoi, where his sources gave the right terminology, unconcerned with the governmental division of the Persian empire under Darius. Thus the Ἀσσύριοι λόγοι were not intended to give Assyrian but Babylonian history. It is the history of the rulers of *Babylon* which he intends to deal with, as indeed he says distinctly (i. 178), and the fall of Nineveh only comes in here because the Babylonians allied with the Medes overthrew the Assyrian empire. There was ample opportunity to treat of Babylonian affairs—but not with Assyrian ones, as Mr. Wells (i. 379 f.) would have it—either in the third book (story of Zopyrus) or even in the ninth book, the great revolt of the Babylonians against Xerxes being one of the reasons which hampered the Persians in the war against the Greeks, and which caused Xerxes to leave Sardes after the battles of Plataiai and Mykale, although the war was to be continued, one of the important facts which Ephorus has handed down to us from sources neglected by Herodotus. I agree with Mr. Wells that there is no reason to assign the Assyrioi Logoi to a special work, which was either left unwritten or has even perished. But the fact that Herodotus left out the intended digression concerning Babylonian history can only be accounted for either by a change of plan or by the fact that Herodotus's work was never finished.

As to Assyria, Herodotus's knowledge of its history is limited to the fact that Nineveh was destroyed, and to a few stray notices concerning Sennacherib and Sardanapalus picked up chiefly in Egypt. That Herodotus visited Babylon is rightly emphasized by Mr. Wells in his remarkable and careful discussion (pp. 135 ff.) of Herodotus's news concerning Babylonia. Herodotus's description of the vessels going down the Euphrates, agreeing exactly with what the Assyrian monuments teach us, is only one and the strongest of many consistent proofs. In the 'Nitokris' inscription (i. 187) some phrases, but *not* the whole phraseology, are direct translations from cuneiform inscriptions, as I have pointed out; that other phrases, e.g. the οὐ γὰρ ἄμεινον, are distinctly Greek (Wells, i. 145) is just what we should expect.

It has been the custom recently to call into question and deny the reality

of the Pelasgians as one of the chief non-Greek and non-Aryan people inhabiting what was to be Greece.³ The fact that one of the leaders of this movement, Eduard Meyer, who considered the Pelasgians as a Greek people, has lately changed his view, acknowledging that they were non-Greek, involves the concession that this meant going too far. Nor is it to my mind necessary to speak of a Pelasgic theory and of theoretical Pelasgians to any such extent as Mr. Wells and those whom he follows would have it. If the Pelasgians were prominent among the non-Aryan pre-Greek tribes, then a more general use of their name for the *Urvolk* would be no less justifiable than the designation of the Germans as Alemanni by their western neighbours, &c. And the well-known fact that whereas peoples and their creeds are changed, the plans of worship remain the same, seems to me sufficiently to account for the shrine of 'Pelasgic Zeus' in Dodona, for which Professor J. L. Myres has proposed a different explanation. Dodona was an old Pelasgian sanctuary; the Greeks, crowding out the Pelasgians, continued to worship at this holy place, and called the chief god of the old people by the name of their own principal deity, a custom which they still adhered to in later historical times. Nor do I see why the connexion between the Pelasgi and the Tyrseni (part of whom, in consequence of the great movement of which the Dorian migration is one of the most conspicuous parts, settled and spread in western Italy) should be a development of the Pelasgian theory. If 'barbarian tribes called Tyrrhenians and Pelasgians were neighbours in the north-west of the Aegean', there is no reason to doubt they were ethnologically related, in which case the name of Pelasgians, in its more general sense, was legitimately employed for the Tyrrhenians who, among other parts of the Aegean and its coasts, had settled in Lemnos.

Mr. How's well-weighed discussion of the Persian war would be more complete had he not failed to take the Babylonian revolt into consideration, although this important fact and Herodotus's knowledge thereof are discussed by Mr. Wells in vol. i. 183. According to Mr. How there was a Persian party in Athens and the Persians counted upon their help, and that was why they began to embark; whereupon Miltiades, profiting by the absence of the cavalry, resolved to attack. So far I agree, having partly changed my views (*Gesch.* 28) after visiting the scene of the battle last spring and discussing the matter on the spot with Fabricius and a number of other colleagues. But it would seem to me hard to believe that the Persians had chosen Marathon, because they wanted to lure the Athenian army away from the city. In this case Miltiades would have fallen into a trap laid by the Persians, and all the merit of his celebrated Psephisma would dwindle away. The aim of the expedition was to punish Eretria and Athens for partaking in the Ionian revolt, and for ships coming from Eretria to Attica the bay of Marathon is the given place of anchorage and landing. One glance down from the Penthelikon hills, comprising as it does the plain of Marathon, the sea, and Euboea, suffices to show this. It is the great mistake of all the special maps of the battle of Marathon, including that of the editors, that they do not take in at least the southern part of Euboea.

³ See vol. i. 442 ff. and compare p. 376.

Leonidas' last stand at Thermopylai (ii. p. 376) was certainly not, as begins to be universally acknowledged, a mere self-sacrifice at the call of honour, although the faithfulness unto death and the inspiration it gave is really the greatest result of Thermopylai and Artemisium. But it had a definite purpose, or rather to my mind two purposes: to enable the Greek navy to strike a decisive blow at Artemisium (as Mr. How thinks) and to give the main force of the Peloponnesians time to save their lives for later contests. I do not think it probable that the Peloponnesians who retreated were dispatched to meet Hydarnes and failed to do so, and that there may have been 'a conspiracy of silence to conceal their shame'.

The identification of Psyttaleia with Leipsokutali is rightly upheld in spite of Beloch's view,⁴ which is described 'as attractive rather than cogent'.⁵ I also agree that the Greeks probably did not wait for the Persians to attack them in the bay of Ambelaki, but sailed out to meet them. The fact that the Egyptian squadron was sent round Salamis to close the straits on the Megarean side can certainly not be contested. As it is impossible that the ships should have sailed round Salamis between midnight and dawn, so it follows, as Mr. How rightly points out, that this movement was premeditated by the Persians and had been started before the message of Themistocles gave a new impulse to the Persians and lured them into the bay of Salamis in contradiction to their original plan of fighting in the open sea.

Maps of unusual clearness and an index combining the contents of the commentary with that of both the introduction and the appendixes increase the usefulness of this work, which ought to be heartily welcomed by all concerned in the study of Herodotus and of ancient history at large.

C. F. LEHMANN-HAUPT.

Les Institutions Militaires de l'Égypte sous les Lagides. Par J. LESQUIER. (Paris: Leroux, 1911.)

SINCE the publication of P. M. Meyer's *Heerwesen der Ptolemäer und Römer in Ägypten* in 1900, a considerable quantity of fresh evidence connected with the military institutions of the Ptolemaic period has accumulated, notably through the publication of part iii of the *Petrie Papyri*, the *Hibeh Papyri*, and, above all, the first volume of the *Tebtunis Papyri*. There was, therefore, ample justification for a fresh monograph on this subject, although much of the ground has again been covered by Bouché-Leclercq in his *Histoire des Lagides* and more rapidly by Wilcken in his *Grundzüge*, both of which have come out during the preparation of M. Lesquier's book.

The recently acquired material is largely concerned with the cleruchic system, which is rightly regarded by M. Lesquier as the backbone of the Ptolemaic military organization. A connexion between military service and land-tenure was indeed no novelty in Egypt, where it had been a feature of the Pharaonic régime; the achievement of the Ptolemies was a successful adaptation of an ancient institution to the needs of their own

⁴ *Klio*, viii. 477 ff.; xi. 431 ff.

⁵ *Gesch.* 111; compare Judeich's convincing discussion, *Klio*, xii. 129 ff., with Beloch's remarks, *Klio*, xiii. 128 ff.

day. Their foreign soldiery, the instrument of their sovereignty, was settled upon the land, which passed on from one generation to the next (the *epigoné*) on condition that the holders kept themselves in readiness to take up arms when called upon. Since the land so apportioned was as a rule not already under cultivation, this system served a dual purpose: provision was made for a continuous supply of recruits, and at the same time the revenue was increased, for the cleruchs, or *catoeci*, as the foreign settlers came to be called in the second century B.C., were liable to the state for certain dues upon their plots. M. Lesquier refuses to apply the term 'active', used by Wilcken, to a force so constituted, and prefers the word 'disponible', which is really more exact. This, however, is no more than a question of nomenclature, and the two writers are at one on the main facts. Active in the modern sense this army was not; but it was properly organized and trained to arms, and so could be mobilized as required. An interesting parallel is drawn between the cleruchic holding as established under the Ptolemies and the fief of the middle ages, which shows various points of similarity, with the distinction that in Egypt there was nothing like the feudal hierarchy; the cleruch was the soldier of the king, holding directly from him, with no intermediary tenure. A short chapter is devoted to the navy, concerning which little is known, and to the police, which stood in close relation to the army. Useful appendixes giving lists of known cleruchs, actual and prospective (the *epigoné*), and of military and naval officers are added, besides adequate indexes. Altogether M. Lesquier may be congratulated upon a valuable piece of work; and if he sometimes appears diffuse, his expression is always clear and his arrangement good. The companion volume which he is preparing on the Roman army in Egypt will be awaited with interest.

A. S. HUNT.

Byzantine Churches in Constantinople, their History and Architecture. By ALEXANDER VAN MILLINGEN, assisted by RAMSAY TRAQUAIR, W. S. GEORGE, and A. E. HENDERSON. (London: Macmillan, 1912.)

PROFESSOR VAN MILLINGEN'S new work is a worthy successor to his study upon the walls of Constantinople; with the architects who have collaborated with him he has produced a book of great interest and of permanent value. All the Byzantine churches are described, planned, and photographed, so that specialist and layman alike will find the volume attractive from their several points of view. The principal part of the architectural work has fallen to Mr. Ramsay Traquair, who also contributes a valuable introductory chapter on the principles and development of the Byzantine art of building. Mr. W. S. George's chief share is the planning of St. Irene, on which church he has since published a monograph under the auspices of the Byzantine Research and Publication Fund; Mr. A. E. Henderson has contributed admirable plans of SS. Sergius and Bacchus, and St. Mary Panachrantos, with drawings and photographs of other churches.

Of the Byzantine churches of Constantinople only a score remain; and though at first sight this may appear a scanty tale, it perhaps compares

not unfavourably with the list of the older churches in Rome, a city which never passed under an alien domination, and never saw its ecclesiastical buildings appropriated by an alien faith. In the eastern capital the annexation of churches for use as mosques has at least tended to delay the ruin of the fabrics; all the surviving churches but two have been adapted to the cult of Islam. One of these, St. Irene, served almost from the beginning of the Turkish occupation as an armoury, and for that reason was never suffered to fall into disrepair; the other, St. Mary of the Mongols, has always been in Christian hands. We may well be thankful that the residue is so large; but it is a matter for deep regret that some buildings famous in Byzantine times have altogether vanished (the church of the Holy Apostles is a case in point), buildings which would have supplemented in an invaluable manner the information which we possess to-day. At a moment like the present, when the destinies of Constantinople are more than usually obscure, it is a subject for congratulation that the surviving churches are now all accurately recorded. For neglect or indifferent care still tend to diminish their number; while sudden disasters of earthquake, fire, war, or religious fanaticism might at any time accelerate the process of decay.

The achievement of the various periods of Byzantine architecture is well illustrated in these pages. We may follow the lines of evolution from St. John of the Studium, the sole basilica, through SS. Sergius and Bacchus, representing Justinian's age, St. Irene representing the iconoclastic epoch, St. Theodosia, St. Mary Diaconissa and others illustrating the Basilian Renaissance, down to the buildings of the Comneni and Palaeologi, among which St. Saviour Pantokrator, St. Saviour Pantepoptes, and the above-mentioned St. Mary of the Mongols may be selected for especial mention. These churches provide examples of the classified forms, whether simple or complex, from basilica and 'hall-church' to the varieties of the domed cross plan, which ended in the 'four-column type', as the best adapted to the smaller-sized buildings favoured by the later Byzantine empire. The tendency to reduction in size is one of the salient facts which first strike the layman, and there are other evidences of change which seem suggestive to those without special architectural knowledge; such is the restriction of the galleries and the increase of the narthex, in part a consequence of this. The statement that 'there is hardly a plumb wall in Constantinople,' acquires a new interest when it is explained as a result of the well-known Byzantine system of alternating with the brick courses jointings of mortar almost of equal thickness. The consequence has been a general settling down of all old buildings, and a sinking of vaults at the crown. Again, most of us were aware that, speaking generally, the drumless dome came first, and was superseded perhaps even before the eighth century by the dome raised on a high drum with elongated windows. But we do not always remember that when the Turks took the capital of the east Roman empire, and built their great mosques after Byzantine models, they ignored the high drum, and reverted to the older principle exemplified in the church of the Divine Wisdom. We will not linger, however, over the purely architectural part of the book; the reader may be referred with

confidence to Mr. Traquair's chapter, and the description accompanying the plans of the various churches. In the present place we would rather indicate a few historical and literary associations with which the accounts of the several buildings are enlivened.

The story of the venerable basilica and monastery of the Studium is rich in these associations; the greatest name in its history is that of the abbot Theodore, who for his bold opposition to iconoclasm was twice scourged and banished, dying in exile for his belief. The house was a famous centre of eastern monasticism; and throughout its career furnished many examples of high devotion to the Basilian ideal. The picture of life within its walls contains details of almost a Franciscan charm, as when we learn that there was a rule making it sinful to be melancholy. Other features remind us rather of the Benedictine zeal for letters, as when we are told that in the *Scriptorium* fifty genuflexions were the penalty for not keeping one's copy clean, and a diet of dry bread for the omission of any part of the original text. It is clear that the monastery played an honourable part in the preservation of ancient literature; we think of its early abbots as rivalling in this respect the work of Cassiodorus in Italy. Other names which attract our attention as we turn over these pages are those of John Hylilas, higoumenos of SS. Sergius and Bacchus, styled Lecanomantis, or 'basin-diviner', for his reported use of a brass basin in foretelling the future, but known more favourably as grammarian, iconoclast theologian, and patriarch; of the accomplished lady Theodora, who in the fourteenth century devoted her later life to St. Andrew in Krisei; of Philes the poet, whose metrical epitaphs to Michael Tarchaniotes remain upon the walls of the Panmakaristos; of Constantine Palaeologus, *ultimus imperatorum*, the problem of whose last resting-place is discussed in the account of St. Theodosia; of Romanus I, Aecatherina and Maria, consort and daughter of Isaac Comnenus, and other royal persons connected in life or death with the monastery church of the Myrelaion; of John Manuel and Andronicus Comnenus, whose bones were laid in St. Saviour Pantokrator, the church rich in relics which gave hospitality to the Roman rite during the Latin occupation; of Gennadius the learned patriarch of the fifteenth century and opponent of the union of the churches, who lived in the monastery connected with the last-named church, and became the first patriarch under Moslem rule; of Maria Palaeologina, 'Despoina of the Mongols' and wife of a Mongol khan, to whom the convent and church of St. Mary afforded peaceful refuge; of Priscus, Germanus, Artavasdus, Michael Syncellus, Metochites, and others associated with St. Saviour of the Chora (Kahrié Jamissi), of which the beautiful late mosaics are known to every visitor to Constantinople.

Professor van Millingen's work makes us realize more fully than before how great a part was played by all these venerable buildings in the history of the Byzantine empire. It is a matter for congratulation that this comprehensive illustrated account should be published in English, in the same year which has witnessed the issue of Mr. George's work on the 'forbidden' church of St. Irene. Perhaps the omission of St. Sophia is justified by the reasons which Professor van Millingen has put forward

in his preface, but many will regret that the series is not rounded to a whole by the inclusion of the masterpiece of ecclesiastical architecture in the Christian east. Salzenberg, Lethaby and Swainson, and Antoniadi are not to be found in every man's library, and Sir Thomas Jackson's new work includes Romanesque as well as Byzantine architecture. But even without St. Sophia the *Byzantine Churches of Constantinople* is a storehouse of information, and must for a long time remain the standard work upon the subject.

O. M. DALTON.

A Dictionary of English Church History. Edited by S. L. OLLARD, M.A., Vice-Principal of St. Edmund Hall, Oxford, assisted by GORDON CROSSE, M.A. (London: Mowbray, 1912.)

WE have at last a dictionary of English church history, and its editors are to be congratulated on the result of their labours. They have given us a volume of less than 700 pages, clearly and not too closely printed, which contains as much information as one could reasonably expect to find in such a work. The articles are for the most part short, they are never immoderately long; and in spite of the fact that they contain a great deal of matter in a very small space they are always readable. As a rule to each article is appended a brief, but adequate, bibliography. It may be added that the editors have succeeded in reducing overlapping in articles on cognate subjects to a minimum.

For the accuracy and general trustworthiness of the more important articles the names of the authors are a sufficient guarantee. Thus when we find that Mr. Brightman has taken charge of such subjects as the dress of the clergy, vestments, and the Book of Common Prayer, Dr. Homes Dudden of St. Gregory the Great, Dr. Frere of the Elizabethan Settlement, and Mr. C. Wordsworth of the Sarum use and church services before the Reformation, we know what to expect: it is enough to say that we shall not be disappointed. A similar remark might be made about the contributions of many other writers. But special mention may be made of a brief but highly interesting account of the various kinds of papal letters, in the article 'Bulls (Papal)', by Dr. R. L. Poole. It is none the less valuable because no reference is made in it to the history of the English church.

But the special excellence of this dictionary will be apparent to any one who reads a series of articles on closely related topics. For example, we have abundant and well-arranged information about monasticism. Mr. W. M. Wright treats of 'Abbeys (English)'. Here the word 'Abbeys' is used in its largest sense, as including abbeys proper, priories, and the houses of the mendicant orders. Mr. Wright deals specially with their architecture, and gives a full description of Fountains, 'as the type of an ideal abbey,' with a plan. His article is supplemented by many others. Canon Capes writes about the 'Religious Orders', Professor Whitney about 'Friars', Mr. Morgan about 'Abbeys (Welsh)', and the late Dr. Gairdner about the Suppression. There are besides separate articles on the greater houses, such as Westminster, by the late Mr. Rackham, and Bury, by the assistant editor. To the same series belongs a valuable article by the

editor on 'Religious Orders (Modern)', which supplies much information, not hitherto brought together, about the revival of community life in the church of England in the nineteenth century. But the shortest articles are written with as great care as the longest. Take, for instance, the following by Dr. W. Hunt: 'Aidan,' 'Augustine,' 'Birin,' 'Oswald,' 'Oswy,' 'Wilfrid,' 'Conversion of the English.' Not one of these fills a page, but all are excellent. In particular, the last, in a little more than a column, gives a good summary of the history, and apportions credit between the Irish and the Roman missions with admirable judgement.

It was, of course, not possible that the highest level should be maintained throughout. It is surprising, however, that the assertion of Mr. Marson, in favour of which no arguments are advanced, that St. Patrick was buried at Glastonbury, was allowed to stand. The evidence for this statement is as little convincing as that which Mr. Marson adduces for the belief, to which he inclines, that St. Joseph of Arimathea visited the same place. Canon Warren quite rightly says (art. 'British Church') that the latter legend 'may be dismissed at once'. But even Mr. Warren is perhaps a little too dogmatic about the presence of British bishops at the Council of Sardica. And if he had paid attention to what Professor Bury has written about Coelestius he would hardly have said that that heretic was 'no doubt' an Irishman. Perhaps the least satisfying articles in the volume are those relating to music. One of them, headed 'Musicians of the English Church', consists of biographical notices arranged in alphabetical order. They are only nineteen in number. The English church must indeed have been poor in musicians if this is an exhaustive roll. But it is difficult to understand on what principle a list of the musicians of the English church is constructed which includes Barnby and Dykes, and yet omits Farrant and Blow. Farrant, perhaps, did not compose all the ecclesiastical music which has been attributed to him; but Blow not only wrote fine music, he was the master of Purcell (though not, by the way, of Boyce, as we seem to be told in the immediately preceding article).

A welcome feature of the dictionary is the prominence given to the latest period of English church history. Thus we have an article on the representative Church Council; and the succeeding group of articles on 'Reunion' is very largely taken up with the history of the nineteenth century. This is as it should be; guidance is often more needed for the latest decades than for periods for which authorities are less bewilderingly plentiful. On this principle we may justify the fact that in the biographical articles more space is given to such modern worthies as Pusey and Wilberforce than to bigger men of earlier ages—Archbishops Theodore, Lanfranc, and Anselm. It should be mentioned that the scope of the dictionary is limited to the church of England in the strictest sense; Scotland, Ireland, America, and even the colonies, being shut out. It follows that we have no notice of St. Columba; that Bishop Seabury is apparently only twice referred to, and that in the most incidental way; that liturgical study and prayer book revision in Scotland and America are almost wholly ignored: though, somewhat inconsistently, Bishop Colenso is honoured with an article. But the student of English church history cannot neglect the sisters and daughters of the church of England. The hope may therefore

be expressed that this dictionary will in later editions become more comprehensive, and at length include the history, not merely of the church of England, but of Anglican Christianity. Meanwhile all students will be grateful for what has been already so well accomplished.

H. J. LAWLOR.

An Encyclopedist of the Dark Ages: Isidore of Seville. By ERNEST BREHAUT, Ph.D. (*Studies in History, Economics, and Public Law*, edited by the Faculty of Political Science of Columbia University, xlviii. 1.) (New York: Columbia University Press, 1912.)

THIS work is an attempt to show to the English reader something of the real character of the wonderful compilation of St. Isidore called the *Etymologiae* or *Origines*. The method followed by Dr. Brehaut is a good one, and he has succeeded in his aim. The book is divided into two parts, an introduction concerned with Isidore's life and writings, his relation to previous culture, and his general view of the universe (*Weltanschauung*), and a more detailed part, in which the *Etymologiae* is taken book by book. The introduction shows an adequate knowledge of Isidore's works, and is nicely written. The bulk of the second part of the book consists of translations of long extracts from the *Etymologiae*, carefully chosen as the most interesting. Each separate section of the original is provided with a fitting introduction, in order that the reader may get the right point of view. A plan of the work is also given, where the author has not thought it necessary to translate.

In the preface, dated 'New York, February 1912', the author mentions that 'there is no modern critical edition of the work to afford a reasonable certainty as to the text'. It is one of those unfortunate coincidences which are constantly occurring that in the previous month such an edition had actually been published by the Clarendon Press under the editorship of Professor W. M. Lindsay. The present reviewer has compared large portions of Dr. Brehaut's translation with Professor Lindsay's text, and has found that for the most part little harm has been done by the use of a less critical text. There are, however, passages where the difference is serious, and the reader ought to have Dr. Lindsay's text before him in all cases of doubt. For example, book xx is untitled (p. 32); *ληρεῖν*, *id est* should be read instead of *λυρεῖν* (p. 36, n. 2 b), *iudicialis* instead of *iuridicialis* (p. 108, l. 5); on p. 110 subdivisions are not given completely; *Vesper* should be substituted for *Pyrois*, and *candidus circulus* for *Stilbon* (p. 176, § 6); §§ 6-8 should disappear altogether from page 179, as also § 66 from pages 249 f.; finally, 'execration' (p. 261) is due to an error of Arevalo, the true text being 'exercitatione'. These instances might be increased.

While on the whole the book is a careful piece of work, there are not wanting signs of carelessness both in translation and in proof-reading. *Disputationibus* (p. 95) does not mean 'distinctions'; for 'just as is stated therein', &c. (p. 114), read 'as has been said (a reference to Isidore's own § 1), &c. Errors of the press will be found on pp. 30, 66, 71, 97, 104, 107, 111, 114, 149, 171, 173, 245. Further, Arevalo's edition of

Isidore was not published at Rome in 1796; the preface is dated in that year, but the edition appeared between 1797 and 1803. In the note on p. 31, the author uses *Patrologiae Latinae*, as if it were a nominative plural, having carelessly failed to observe that it is a genitive singular. A similar piece of carelessness is to be found on p. 78, n. 1, where the *De Universo* of Hrabanus Maurus is said to be published in Migne, *Patr. Lat.* iii. This is of course absurd, as the works of Hrabanus are contained in vols. cvii to cxii; what the author probably means is vol. iii of Hrabanus (i. e. cix of Migne's collection). Two other points may be referred to in conclusion. On p. 75 the manner in which the author refers to Isidore's charge that the Latin poets have 'disregarded the proper meanings of words under the compulsion of metre', &c., leads one to suspect that he thinks the charge unjust. But surely it can be substantiated without difficulty: for example, *dux* has to do duty for *imperator*, *agmina*, &c., for *milites*, and *silua*, *nemus*, &c., for *arbores*, in hexameter verse. On p. 78, n. 1, the author's conjecture that the incomplete state of Isidore's work in Braulio's estimation meant the absence in many cases of 'the higher meaning' would now probably be given up, in view of the fact that the best manuscripts frequently provide a *lemma* without any definition at all.

A. SOUTER.

Calendar of various Chancery Rolls, 1277-1326. (London: Stationery Office, 1912.)

THIS volume is composed of three sections, each with an index of its own. The first consists of 'supplementary Close Rolls' dealing with special subjects, such as licences for exportation of wool (5-6 Edward I), orders for the restitution of lay-fees of ecclesiastics and for the exemption of goods annexed to spiritualities from taxation to a lay subsidy of a twelfth in 25 Edward I, respites of assizes of novel disseisin and of an aid in favour of persons serving in Scotland in 31-32 Edward I, orders by the committee of ordainers in 5 Edward II for the resumption of grants, orders of exemption from scutage for those who 'performed their military service in person' (8-18 Edward II), and 'orders to the sheriffs prohibiting further process in pleas brought by writ of right, in which the tenants had put themselves upon the grand assize' (1-20 Edward II). This somewhat formidable list occupies only 156 pages in all. The record of licences to export wool is of interest for the history of trade, and that which relates to ecclesiastics contains a large number of names of the holders of benefices in 1297, which topographers will welcome. At the close of the supplementary roll no. 7 (31-2 Edward I) one notes a series of entries (pp. 75-7), unmentioned in the preface, which deals with a special subject, the claim of those who held 'little fees of Mortain' to pay only 25s. when other fees were charged 40s. This, it will be observed, is five-eighths, not, as is usually stated, two-thirds of the normal rate. This is useful information on a somewhat obscure subject, especially 'the small fees of Stafford', as they are here termed. It has been observed that the knight's fees of the Stafford fief were small ones like those 'of Mortain', but the fact appears to have remained unexplained.

With regard to the roll no. 9 containing 'orders to supersede the levy of scutage from those who have performed their military service in person' (pp. vii. 105) the preface makes the following statement:

This roll differs from the Scutage Rolls mentioned below in the material point that it relates only to those who did their service in person and excludes those who did their service by deputy or compounded for their service.

This extraordinary statement makes one rub one's eyes¹. The facts are that commissioners were appointed for each county to collect the arrears of scutage of 28, 31, 34 Edward I for his Scottish campaigns, and to take evidence on oath as to the fiefs liable for such scutage. The resistance which they met with led to a strong order from the king, 7 September 1316.² This roll (8-18 Edward II) contains orders superseding the demand in the case of those who sent their service or who compounded for it by fine (pp. 107, 110, 111, 115, 116, 117, 118, &c.), or who were wards to the king at the time (pp. 108, 109, 130, 133, &c.), as well as in the case of those who served in person.³ Where the scutage was remitted for a minority, it was still exacted for the knight's fees held of the minor. As for the scutage rolls themselves (pp. 363-93), they relate to Edward I's Welsh campaign in his tenth year, to the Scottish campaigns of 31 and 34 Edward I, and to Edward II's Scottish campaign in his fourth year. An entry relating to John 'de Britannia' on p. 391 is transferred from the patent roll of 9 Edward II, which refers to it.⁴

The seven 'Welsh Rolls' (pp. 157-362) contain, as the preface observes, enrolments of letters patent, letters close, and charters relating to Welsh affairs, 5-23 Edward I. We have here, among much information of interest, the record of Edward I's elaborate preparations in 1282 for what he meant to make his final campaign against the Welsh princes. Supplies were ordered from Ireland (including salted salmon), Gascony (including wine and honey), Ponthieu, Essex, &c. The expedition was financed by great loans from the merchants of Lucca and one of £4,000 from Londoners; Gascony sent a small force of crossbowmen, horse and foot, and even Basques were in the motley host. But the urgent demand seems to have been for pioneers and sappers, men who could clear the passes and fell the dreaded woods where Welsh would lie in ambush. Of the Cinque Ports' ships some were detailed to guard their own coast, but the rest made *rendez-vous* at midsummer on the Dee estuary at Neston. There is an allusion to the bridge of boats across the Menai Straits, but the interesting entry about the Cinque Ports shipwrights (p. 251) is unintelligible as it stands. Why were they to be provided with 'barges' if they were 'to take the road (*sic*) to Chester'? It was while the

¹ Mr. Scargill Bird, in his *Guide to the Public Records* (p. 22), reckons it among the Scutage Rolls, and elsewhere rightly states that it includes those 'who had paid fines to be excused' (*Genealogist*, N.S., i. 72). He also states that it is headed 'Rotulus Marescalcie'.

² Madox, *Exchequer*, 1711, p. 474; *Cal. Pat. Rolls*, 1313-17, p. 542.

³ Similar orders to supersede the levy of scutage for two of these years (the 28th and 31st) will be found on the Close Rolls of 33-34 Edward I (*Calendar*, 1302-7, pp. 262, 264, 268, 300, 357-60, &c.). They similarly include those who 'made fines' for their service.

⁴ *Cal. of Patent Rolls*, 1313-17, p. 333.

king was at Conway in the spring of 1283 that 'God's clemency so visited' him as to lead certain Welshmen to bring him that hereditary relic of their princes, 'Croyse-neyht,' a portion of the true cross. We here recognize that relic so revered by Edward that it was among those he took to Scotland, as 'la Croiz Neytz' or 'the cross of Neit', in 1306-7, and from which Richard de la Croysneth (1301)⁵ must have derived his name as its keeper.

Among the Gascon detachments which returned home in 1283 one notes that of Arnald de Gavaston, the presumed father of the famous 'Piers'; but Garsio, lord of Navarre (*Navariis*), whose name precedes his, was surely, as his name indicates, lord of Navailles—a Béarn lordship, like Gavaston—not of the *kingdom* of Navarre. On pp. 281-2 is a document much discussed in recent peerage cases, the high-flown indictment, by Edward, of David the Welsh prince in the summons to a colloquy at Shrewsbury. The king claimed that when David was an orphan, he had cherished him under the covering of his wings (*sub alarum nostrarum clamide*⁶ *foveramus*), but, by a grotesque mistranslation, the matter-of-fact editor renders the phrase 'cherished with clothing under his protection!' J. H. ROUND.

The Medieval Boroughs of Snowdonia. By E. A. LEWIS. (London: Sotheran, 1912.)

In this essay, a thesis approved for the degree of doctor of science in economics in the university of London, Mr. Lewis and the guild of graduates of the university of Wales, which defrays the cost of publication, have made a valuable addition to the very small number of monographs dealing in a scholarly way with definite groups of boroughs in England or Wales and not merely with the municipal history of a single town. The more comparative studies of this kind are published the sooner we shall get a really scientific history of English borough institutions in the middle ages. The burghal group investigated by Mr. Lewis comprises the nine boroughs (excluding the short-lived Bere) formed by the kings of England and princes of Wales in the newly-conquered principality of North Wales between 1285 and 1355. Their function as English garrisons, or at least as centres of Anglicization, accounts for the bestowal upon them of a degree of independence (qualified in the castle-towns like Conway by the tenure of the mayoralty by the constable of the castle), which, with two or three exceptions, neither their population nor their commercial importance seemed to justify. Small as most of these boroughs were, their charters invariably exempted them from the jurisdiction of the sheriff and bestowed the privilege of a merchant gild, though this, as in some English towns, Preston for example, involved no separate organization, and merely gave a monopoly of trade in the town to its citizens. Mr. Lewis is inclined to assume that the merchant gild was an 'essential attribute' of a *liber burgus* (p. 40). This seems rather misleading after Dr. Gross's demonstration that the gild was not necessarily or always granted with the grant of

⁵ *Cal. of Close Rolls*, 1296-1302, p. 484.

⁶ Possibly the phrase was suggested by the 'velamento alarum tuarum' of the Vulgate (rendering the Psalmist's words).

a *liber burgus*, that it could be and was sometimes withdrawn without annulling the 'free borough', and that in at least one charter the two are separately defined as distinct conceptions. The merchant gild was no more essential to the idea of the *liber burgus* than the privilege of the fee-farm rent which was obtained by Pwllheli, but never granted to the far more important Carnarvon. On the *firma burgi* and the finance of these boroughs generally Mr. Lewis's researches in the Welsh records throw much new light. With regard to the legal effect of a grant of the fee-farm rent, his conclusion is perfectly sound that it did not transfer to the community the Crown's 'territorial or ownership rights in the common and waste lands of the borough'. Such transference no doubt was the ultimate result, even where, as at Liverpool (a case not quoted here), the privilege was occasionally withdrawn for a time; but the rights of the Crown lapsed by neglect, they were not granted away.

The analogies between the Edwardian borough foundations in Wales and the artificial, regularly planned *villes anglaises* or *bastides* created by English sovereigns in Poitou and Aquitaine, are justly emphasized by Mr. Lewis, who has made good use of the researches of Curie-Seimbres and Girý, but it is not clear to what communities he refers in speaking of 'the English towns of Northern France' (p. 157).

With the exception of Conway, Harlech, and Newborough, all these municipalities founded in North Wales by Edward I and the Black Prince were preceded by boroughs of a simpler type. We should like to know more about them than Mr. Lewis tells us, but perhaps there is no more to be told. It is clear, however, that Carnarvon at all events, and probably others, had a borough court. These towns, with those of the marches, form a considerable class of boroughs dating from a period before the conquest of the Principality, and Mr. Lewis would put us still further in his debt if he would expand his brief introductory chapter into a study of municipal origins in Wales prior to 1284.

Among occasional errors of detail we notice a curious definition of *stallage* on p. 169, where also Dr. Gross's elaborate note on *leve-lookers* should have been referred to. The author's nationality is no doubt responsible for his habit of writing 'moreover' when he means 'however'.

JAMES TAIT.

John of Gaunt's Register. Edited for the Royal Historical Society by S. ARMITAGE-SMITH. Camden Third Series. Vols. xx, xxi. (London, 1911.)

In these two volumes Mr. Armitage-Smith has edited from the original manuscript preserved amongst the records of the duchy of Lancaster in the Public Record Office, the first part of the register of John of Gaunt covering the years 1372 to 1376. The register consists of copies of documents made by the clerks of the Lancastrian chancery for the purpose of administrative record. The estates of the duchy were so extensive and so widely spread that for this reason alone the register would be of varied interest. Their administration was of necessity so complicated that we get an organization rivalling in its completeness the royal govern-

ment. The duke had his council, with chancellor, steward, chamberlain, controller, and receiver. Underneath the council there were a number of subordinate officers, financial, legal, and personal, whilst the actual administration was entrusted to the stewards, receivers, and feodars. The estates were so vast—they spread over nearly thirty counties—that a special organization was necessary; so four groups of counties were formed each with its chief steward, one or more receivers, and a number of subordinate stewards and feodars. The register, which contains the working of all this elaborate machinery, naturally furnishes a far more complete illustration of the management of a great feudal estate than could be derived from any humbler collection. Upon all the relations of lord and tenant these two volumes throw much light, and they will be of great value to the student of legal administration. John of Gaunt was more than a great landowner, and a large number of documents are concerned with his feudal relations and with indentures for war service. Upon the chief points of interest the editor has dwelt succinctly in his introduction; it would be impossible here to discuss them in detail. The usefulness of the text is much increased by the addition of an elaborate index. The indexing, including the identification of names, has been well done; but some error in such a work is unavoidable, and it is permissible to point out a few slips. The 'Sceure' on p. 3 is clearly the Serre, and not the Seine. Robert Stretton, bishop of Chester, is the same person as Robert, bishop of Lichfield. On p. 387 the entry under 'Lamington' is wrong; it should read 'Lamington, 80. Langley, Roger, 1094, 1568'. In the text in no. 299 'Theyne' is misprinted, for Cheyne. In no. 739 '*manoir de Reyte juxte Londres*' is possibly an error for *Neyte* (the Neat by Ebury), which some years later John of Gaunt leased from the abbot of Westminster.

Mr. Armitage-Smith has done his editorial work well. But it may be questioned whether it was worth while to print so many formal documents at length. For instance, in the numerous indentures for war-service it does not seem necessary to repeat the common formulas again and again. Another large class of documents are formal warrants for venison, &c.; here an English abstract giving the names would have served all practical purposes. The repetition at the end of every document of the date in full also seems superfluous; 'Donnee, &c., Savoy, 13 April 1373,' would, for instance, be all that is required. By these and other such means much useful space might have been saved. It would then have been possible to include in these two stout volumes a more ample instalment of the register. Nevertheless, we must be grateful to Mr. Armitage-Smith for what he has given us, and also to the anonymous scholar who has generously defrayed the cost of transcription. C. L. KINGSFORD.

Le Traité de Madrid et la Cession de la Bourgogne à Charles-Quint; Étude sur le sentiment national bourguignon en 1525-6. Par HENRI HAUSER. (Paris: Picard, 1912.)

M. HAUSER opens his monograph by contrasting a fact with a fiction, and concludes by showing that there is more substantial truth in the fiction than in the fact. He mercilessly exposes the credulity and carelessness with

which historians, whether of France or Burgundy, have accepted the grandiloquent account given of the alleged estates-general of Cognac (1526) by Dom Merle in the *Histoire générale et particulière de Bourgogne*. In this Francis I is represented as begging the estates to ratify the terms of the treaty of Madrid, whereupon the Burgundian deputies replied in the style of the *Contrat social* and the American Declaration of Independence that the province could not be alienated without the consent of its people. It is, however, certain that no such estates were ever held, nor even an assembly of notables, upon which some modern authors, feeling a difficulty about the estates, have fallen back. The king held at Cognac only a meeting of the council, at which he repudiated the treaty of Madrid, and at which the Burgundian deputies were not present. The estates-general of Cognac were apparently invented by Paradin (1548), but he makes no mention of the Burgundian deputies. Against this myth of Burgundian loyalty M. Hauser sets the very curious poems, which are bound up with a manuscript of the poems of Molinet, and which were undoubtedly written by Burgundians at Dijon to celebrate Charles V's victory at Pavia and the probable return of the duchy to the old Burgundian allegiance, and the revival of Dijon as the central seat of the dynasty. To test the quality of Burgundian loyalty M. Hauser has had recourse to the archives of the duchy and of the viscounty of Auxonne, which have hitherto met with strange neglect. He traces the relations of the province to the central government from the beginning of the Valois-Habsburg wars. On the revolt of Bourbon the government showed much anxiety at once to control and to propitiate the province. The precautions then taken, which at one time provoked a riot among the turbulent and ultra-conservative *vignerons*, who inhabited a suburb of Dijon, were redoubled by Louise of Savoy after her son's capture. It was no easy task, because the province, while professing its loyalty, protested against royal garrisons as being against its privileges. Louise was forced to express her confidence in the power and desire of the Burgundians to defend themselves; she even conceded a large measure of financial autonomy.

The treaty of Madrid was communicated to Dijon on 19 January 1526. When Francis I reached Bayonne in March, the question of Burgundy was naturally the first to force itself upon him. From Cognac on 2 May he convoked the Burgundian estates. It appears that the letters given to Chabot de Brion, the bishop of Mâcon and the premier president of the parliament of Burgundy, though frequently referred to by historians, have not been read by them. Instead of ordering the estates to ratify the treaty of Madrid, Francis instructed the commissioners to communicate its contents, 'et savoir et entendre avec eulx, si de leur part veullent faire et accomplir' the royal pledges. Certainly no pressure was put upon the estates to ratify; to ask them if they were willing to do so was to invite the negative which was duly given. Chabot was in fact commissioned not to arrange for the peaceful cession of Burgundy, but to take a fresh oath of allegiance from the troops, the nobles, and the towns, to establish a system of espionage and to put the province in a state of defence. The assembly of 4 June, as was expected of it, refused separation; it repeated the arguments employed by the Crown during the long negotiations with

Charles V, but also dwelt on the loyalty of the province to France since its annexation, on the Crown's imprescriptable rights, and on the illegality of cession even with the king's consent. This language, though widely differing from that attributed to the Burgundian deputies at the fictitious estates of Cognac, shows at least that there was a party, and that the dominant party, sincerely attached to France. The imperialist historian Macquereau confirms this by his statement that there were two parties, and that *les anciens* desired a return to the old allegiance. Among these ancients were doubtless the two authors whose poems M. Hauser has unearthed. The solution suggested for the confusion of facts is that from Paradin downwards the council held at Cognac in May and the estates of Burgundy and Auxonne in June have been combined into a supposed meeting of estates-general of Cognac. Though the Burgundian estates did not speak the language of the Revolution, yet the author concludes that the recognition that provinces could not be alienated without their consent was a considerable step forward on the path which the great Burgundian, Théodore de Bèze, and François Hotman and the authors of the Netherland declaration of independence were to tread.

The appendix contains, in addition to the poems above mentioned, numerous illustrative documents, the most interesting of which are, perhaps, those which relate to the estates of Dijon in June 1526, and the order for the convocation of the estates of Auxonne issued on 18 May 1527. M. Hauser is to be congratulated on having disentangled the threads of this episode, which was of high importance for French, Burgundian, and imperial history.

E. ARMSTRONG.

Episcopacy and Unity, a Historical Enquiry into the Relations between the Church of England and the Non-Episcopal Churches at Home and Abroad, from the Reformation to the Repeal of the Occasional Conformity Act. By H. A. WILSON, M.A., Vicar of St. Peter's, Norbiton, Kingston-on-Thames. (London: Longmans, 1912.)

A BOOK upon this subject, which is accurately defined in the sub-title, is very welcome. The topic is one of great present and practical interest: and the prevailing habit of mind is one that has forgotten to a considerable extent the history and tradition of the English church in this respect. In a matter such as this tradition is not necessarily decisive, but it is one of the considerations which cannot rightly be left out of account in forming an opinion or a policy for to-day. The writer (who is not to be confused with his namesake the Oxford liturgist) is one of those who shares the present yearning for reunion; and he frankly confesses in the preface that his gaze is turned to the English nonconformist churches. We expect him thenceforward to make the most of all in the church history of these 250 years (and it is a great deal) that emphasizes the brotherhood of the reformed churches. He writes throughout as a loyal Anglican who, without belittling his own church or its views, is very sympathetic to those whose church order and ministry differs from the Anglican position. He is a successor of a long line of well-known Anglican divines, who have maintained the essential identity of interest between the English

church and the reformed churches abroad, and have welcomed such opportunities as have occurred of intercommunion. His view of English nonconformity is less traditional and less clear : though he would evidently here break with a number—probably the greater number by far—of those whom he follows in the other respect, by extending to it the consideration and fraternal feeling which they were willing only to concede to foreign protestantism.

There are, however, various things which make one pause before accepting this book as the needed exposition of this important line of history. The author is not strong upon the theological side of the matter. He seems, for example, to be very hazy as to the proper meaning of 'validity', and to use the term in a popular and inaccurate sense. The suspicion that this is so grows as one reads the book, and is finally confirmed at p. 244, where 'valid' is described as 'strong and healthy' and an invalid sacrament is said to be 'one which is so impaired as not to be capable of discharging its functions'. But *validus* (as the equivalent of *βεβαιος*) really means trustworthy, as contrasted with precarious; not operative as contrasted with inoperative : and looseness of expression and thought such as this tends to depreciate the critical value of the book.

On the historical side, too, there is a lack of grip and a one-sidedness of outlook which are also disturbing, especially in the treatment of the earlier part of the period. Mr. Wilson does not see, or at least does not make the reader see, that there have always been, ever since the Reformation, just as there still are, two rival views on these matters held by leading Anglican divines. The celebrated sermon of Bancroft in 1589 is represented as an innovation, and the Laudian attitude is treated almost as an unfortunate freak. But both of these were part of a continuous tradition, which Parker represented in the earlier days, just as did the high churchmen of later days. The formularies correspondingly represent a compromise—unsatisfactory no doubt to each party, but very characteristic. The preface to the Ordinal may certainly be pressed too far in the high church direction, but it may also be unduly minimized : and while dealing with the Ordinal, the case would have been more evenly stated if the writer had not omitted to call attention to the great contribution which Bucer made to it in the noble address to the priests, and to the great modifications which his original underwent in the process of making it conformable to the balanced standard of the Prayer Book on the subject of the ministry. The treatment of the well-known cases of Morrison, Whittingham, and Travers is not very satisfactory : perhaps no treatment could be, without more evidence than we have, either to him or to those who wish the opposite. It seems *a priori* probable that there were cases in which men with only presbyterian orders were tolerated in benefices with cure of souls, though, if so, their tenure was admittedly illegal. But it does not encourage one in accepting the author's guidance in such matters, to find that (on p. 105) in a note on the case of Casaubon, he does not seem to realize the difference between such benefices and a prebend.

Much use is made all through of secondary and not very valuable authorities ; and, indeed, until the latter part one looks in vain for signs of

acquaintance with many of the most ordinary and accessible sources. Still the book has a work to do, and may be useful, if read with caution, until we get a better.

W. H. FRERE.

Die Römische Curie und das Konzil von Trient unter Pius IV ; Actenstücke zur Geschichte des Konzils von Trient im Auftrage der historischen Commission der kaiserlichen Akademie der Wissenschaften bearbeitet von JOSEF ŠUSTA. I-III. (Wien : Hölder, 1904, 1909, 1911.)

As the first of these volumes has not met with notice in this Review it may well be joined to the later volumes here. And, indeed, it has a special interest of its own in the preface by the late Theodor von Sickel, which is not only an admirable account of the way in which a scholar is led on to an enlarged field of work for himself and others, but is also a most interesting account of the increasing use of the Vatican library. In preparation for his work *Zur Geschichte des Concils von Trient, 1559-63* (1872), Sickel surveyed the field of unpublished material in the papal correspondence, and he never lost sight of what was awaiting study. His praiseworthy persistence inspired others, and has resulted in the important work before us. For that reason alone the preface of volume i has special interest. But his account of the great act of Leo XIII in opening up treasures until then most carefully guarded has an equal interest. No one is better able to speak of what has been gained, and the result is a really fascinating sketch. Dr. Šusta's own introduction (pp. xxx-lxxxii) not only gives a full account of the varied material he has used, but brings out some points of great importance. Pius IV ('eine selbstständige, wenn auch keineswegs bedeutende Persönlichkeit') was little influenced by the cardinals, and depended mainly upon routine advisers of lesser rank. (It is curious to note how many of them, like Crivello, only started an ecclesiastical career in later life.) But the place of Carlo Borromeo, who digested material for his uncle, is perhaps better understood from these letters than from anything else. Yet other officials, such as Tolomeo Galli later on, had at any rate the papal ear, even if they did not penetrate much deeper.

Volume i contains the correspondence with the legates and in an appendix other material, correspondence with Nuncios, given as illustrations and for the sake of completeness. Here and there the work crosses material already published in scattered pieces or used by earlier writers, such as Sarpi or Pallavicini. And in this connexion we come to by-paths of the history of manuscripts, which are not only interesting but explain the curious excellences of the very early historians. A complete collection of special correspondence such as we have here gives us ample means of checking these writers, something in the way already indicated long ago by Ranke. Completeness in the evidence enables us to move certainly, and we need not feel as we did before that Sarpi (for instance) might have or might not have good ground for what he stated, but which was a matter of chance. The abbreviation of the manuscripts, where it was possible to be done without any risk of error, facilitates the use of the work, and the notes, which are particularly full in their references to previous works, give the inquirer every possible help.

The assembly of the council under Pius IV stands in marked contrast to its earlier assemblies. The discussions inside the body itself are as important, and for theologians as instructive, as ever—possibly even more so, for this is emphatically the time of Lainez and the Jesuits—but processes and actions in European diplomacy and at the curia are as essential for the understanding of the council as is its mere internal history. Volume i deals with the preparatory stage; volume ii with the period when Spanish influence was urgent (the mission of Crivelli and later of Odescalco are peculiarly significant); in volume iii we come to the time of French influence, when the activity of the cardinal of Lorraine is seen everywhere. These are the broad divisions, but beneath them are many subdivisions, shadings off of colours which are not easily seen at a first glance. Any one who wishes to detect them must read with care the letters here given.

In volume ii the reform proposals of the emperor Ferdinand I demand special study. Of those proposals that for the concession of the chalice to the laity emerges gradually as the one upon which concession was most easily possible and most likely to cause satisfaction. But it would not seem that the other proposals were rejected utterly as *a priori* impossible. Pius IV—a jurist rather than a theologian—was not a man of strong prepossessions, nor was he likely to keep from any course because it was novel; his independence of the curialistic traditions had naturally this effect. For the beginning of the matter we may go to vol. ii, nos. 49, 49a, and 52 (where a typical note gives useful references, to which Eder, *Die Reformvorschläge Kaiser Ferdinand I auf dem Konzil von Trient*, 1911, may now be added). The difficult question of episcopal residence was at this time under discussion: the legates were not working well between themselves; their touch with Rome was imperfect, and the mission of Visconti, bishop of Ventimiglia, to Trent had seemed necessary. The imperial proposals for reform naturally caused alarm; they came just when the question of declaring the sessions a continuation of the former assemblies or a fresh council was forcing the pope to choose between France and Spain: the disentanglement of difficulties, and the final result in which so much was left to papal power, make a curious sequence. It was a delicate position, over which the shadow of the clouds changed every moment, and the slightest breeze had to be carefully noted. The centre of gravity had shifted to Rome, but the 'moment' of the nuncios at the different courts was also greater. As soon as the cardinal of Lorraine came to the council he had a great chance for his peculiar talents; in drafting formulae which would satisfy 'papalists' and 'episcopalists', in shaping out a possible path, his help was essential. In volume iii his influence, chief among other important forces, is to be studied. The early part of 1563 is filled with incident: the death of the cardinal of Mantua and of Seripando (March 1563), the visits of the cardinal of Lorraine, of Morone (newly appointed a president) to the emperor, and later on of Lorraine to Rome, the demand for the abolition of the initiative of the presidents, and the extraordinary complicated questions under discussion in the council itself,—all these things worked together and produced an atmospheric pressure which made conciliar life impossible. The decision by the papacy to keep ultimate settlements in its own power, the perception of politicians that

now at Trent as formerly at Constance and Basel more was to be gained from the curia than from a council, combined with the weariness of the Tridentine fathers to hasten the end. It is not easy to form a true and balanced judgement of a campaign which was really European; it is equally possible to wonder that so much or that so little was done. It is a troublous and controversial history. The summoning of a council in 1870 aroused fresh interest in the great assembly at Trent. To that interest we owe a long series of works, among which these three volumes take a high, if not indeed a leading, place. The advance of historical study and historical workmanship is nowhere illustrated better than in this field, and of that advance we have here an excellent illustration. If some questions seem nearer of answer, if others seem more difficult to answer than before, we have in either case to thank the author. J. P. WHITNEY.

The Constitution and Finance of English, Scottish, and Irish Joint-Stock Companies to 1720. By WILLIAM ROBERT SCOTT, M.A., D.Phil., Litt.D. Vol. i: *The General Development of the Joint-Stock System to 1720.* (Cambridge: University Press, 1912.)

WITH this volume, the latest in date of publication, although it is the first in the order of arrangement, Dr. Scott finishes his valuable, and indeed monumental, contribution to the study of a period of economic history which has long been in urgent need of such fresh authoritative light. That desired illumination has now happily been shed on the character and the development of a particular type of trading and industrial organization which our author has no difficulty in showing took a prominent, and, in fact, a determining share in the economic movement of the times that he describes. Dr. Scott, in our opinion, was well advised in postponing the issue of the present volume. In the other two instalments already noticed in this Review,¹ he traced, it will be remembered, in separate detail the vicissitudes of the particular companies, whose general characteristics he now summarizes, and assigns to them their proper place in the national evolution. For there can be little doubt that the investigation he has made previously seriatim has added to the capacity he now displays for acquainting his readers, some of whom perhaps might lack his own patience and energy, with the broad lines of development. In effect he has rewritten the general economic history of the century and a half, extending from the middle of the sixteenth century, when the joint-stock company first began to be a definite and important feature of business life, to the famous crisis at the close of the second decade of the eighteenth century which took its name from the rise and fall of the South Sea Company. This narrative was required because, as Dr. Scott aptly and concisely states in his final chapter, the particular institution was so bound up with the general life of the nation as a whole that, to quote his words, the 'progress of companies is closely connected with the progress of English marine enterprise, with early colonization, with the extension and consolidation of distant foreign trades, with the organization of credit, and with the prosecution of new manufactures'.

¹ *Ante*, xxvi. 629 f., 1911.

No economic student then can, we believe, afford henceforth to neglect Dr. Scott's account thus given of the pros and cons of monopoly, for instance, or of the use and the abuse of credit, while he is enabled by dint of his new research to amend, for example, the calculations of the national finances advanced by a general historian of the seventeenth century like Gardiner, and to give convincing proof that in his dogmatic statement of the faults of joint-stock companies and in his adverse estimate of the very narrow limits within which alone they could succeed, or be advantageous, the famous economist who wrote the *Wealth of Nations* in the last quarter of the eighteenth century furnished an exhibition of his dexterity as a hostile criticizing advocate rather than of his calm and clear discernment as an impartial judge. Dr. Scott by contrast enlists our confidence by his large erudition and his transparent honesty. He is imbued, in no common measure, with a genuine historical spirit.

L. L. PRICE.

Maitland of Lethington, the Minister of Mary Stuart ; A Study of His Life and Times. By E. RUSSELL. (London : Nisbet, 1912.)

IN the twenty-five years which have elapsed since Sir John Skelton published his biography of Maitland of Lethington much new material has accumulated for the reign of Mary Stuart ; and it is in the light of fresh evidence and recent criticism that Mr. Russell has sought to re-interpret the career of one, second only to Mary herself in the seductive charm of his personality. In view of the abundant literature on the life and times of Queen Mary it would be unreasonable to expect much that is absolutely fresh concerning her secretary. Mr. Russell, indeed, makes the rather hardy claim that the *State Papers, Scotland and Mary*, 1571-4, issued in 1905, 'dispel a cloud of misrepresentations as to the events of these years, and as to Maitland's share in them'. But these documents refer only to the later and less crucial period of Lethington's life, and the more important were already sufficiently well known to students of the *Foreign Calendar, Elizabeth*. As it is, Mr. Russell has constructed, 'almost exclusively from the state papers and official documents of the time,' a careful and lucid political biography of the Scottish 'Mickle Wily'.

It is in the ideal of a united Britain that Mr. Russell finds the dominating motive of Lethington's diplomacy. This aim was incompatible with that of Mary of Lorraine, but it recommended him to her daughter during the opening years of her personal rule. Estranged from Mary for a time owing to the Darnley match, Lethington was received once more into favour after the assassination of Riccio whom he had helped to remove ; and his 'unwillingness to break with Mary for political reasons' induced him to assent to the murder of her husband, though 'there is nothing in the evidence of the murderers to connect Maitland with the actual deed'. Then came the rising of the confederate lords, with whom, after some hesitation, Lethington threw in his lot. 'He had at length satisfied himself that the forcible suppression of Bothwell was necessary in the interest of the country, and not less in that of Mary herself.' As long as Mary persisted in her attachment to her third husband Lethington was powerless to help her, and approved of her imprisonment and deposition. This, he

afterwards averred, was 'but a fetch or shift' to tide over a temporary difficulty, and within a month, according to his own story, he was urging the Regent Moray to restore his sister. The conference at York gave him the opportunity of rebuilding his shattered plans on the hope of the Norfolk marriage, and when Mary requested the Scottish Convention to take steps for her divorce from Bothwell, Lethington came forward publicly on her side. In the civil war which broke out on Moray's assassination he was the guiding spirit of the Queen's Party, until the fall of Edinburgh Castle and his own death brought the cause of Mary in Scotland to an end. Such, in brief, is Mr. Russell's justification of Lethington; and though his interpretation is not new, it has never before been developed in such detail.

There is little or no controversy regarding the chief events of Lethington's life before Mary's downfall. The main question now at issue is whether Lethington played Mary false after Carberry; and it may be doubted whether Mr. Russell, in his desire to 'eschew controversy as far as possible', has dwelt at sufficient length on the views which Mr. Lang put forward in his *Mystery of Mary Stuart*. According to his theory, Lethington was wholly opposed to Mary, and even counselled her death. Mr. Russell's view that he was one of a small minority adverse to all extreme measures is supported by the contemporary evidence of Throckmorton and Melville. But these two, Mr. Lang maintained, were deluded by 'the dulce manner' of the astute secretary. This, however, is a mere supposition, all the more unlikely as Maitland was well known to both. Against their testimony, Mr. Lang adduced that of Nau, John Beaton, and Randolph. Randolph was not in Scotland at the time, and his statement, as Mr. Russell remarks, is only hearsay. Moreover, as Dr. Mathieson points out, he is simply echoing Buchanan's palpable falsehood that Lethington asked some men 'to gar hang her on her own bed with her own belt'. John Beaton, in a letter to his brother on June 17, says that Mary had sent a girl to Lethington on the evening of the 16th beseeching him not to be so extremely opposed to her. But Beaton could not be aware of Lethington's secret endeavours on the queen's behalf, and Nau states that the secretary did visit her that very evening. She denounced him for acting with the confederates, and threatened to 'publish what Bothwell had told her about his doings'. Thereupon Lethington informed her that he might yet do her some good service, but that, if his credit with the nobility was shaken by any further communication with her, her life would be in peril. Except in the motive assigned for Lethington's conduct, Nau's narrative does not invalidate Mr. Russell's contention.

It is more difficult to discover the motive which actuated such an elusive person as Lethington. Mr. Russell is inclined to insist too much on the political and too little on the personal considerations which must have weighed with him. He rejects M. Philippson's judgement of him as 'craintif'. Yet there is not a little to justify the term. The War of the Congregation broke out in May 1559, but Lethington did not join the lords until October. When Mary decided to return to her native land he did not dissemble his fears, and wrote rather ambiguous letters to Cecil. When Riccio was slain Lethington kept carefully in the background; and he remained so long in the company of Mary and Bothwell that he con-

fessed his reputation was at hazard with men of honour. Finally, he explained his last change of faction by assuring Morton that he did not deem it advisable 'to deserve particular ill-will' at Mary's hands. As long as possible he always desired to have 'two strings to his bow'. Truth, though not the whole truth, was embodied in the popular estimation of the 'Scottish Machiavelli'.

Mr. Russell's work is also a study of the times, that is, of the political events and personages of the period. In this connexion the author has scarcely succeeded in the difficult task of preserving a due sense of proportion. Parts of the book are over-emphasized and lead to the neglect of the purely biographical element. Of Mr. Russell's general attitude it is sufficient to state that his sympathies are with the 'precise Protestants', and that he accepts the Casket Letters as genuine. The discrimination which he displays in dealing with the character of Lethington is less evident in the treatment of his contemporaries. Knox's conception of the relations between church and state, he says, 'was not a clerical conception like the Hildebrandine or even the Melvillian'. But is there any essential difference in this respect between the First and the Second Book of Discipline? Mr. Russell's Moray, to take another example, bears a strong resemblance to the 'stainless Moray' of Froude. The real value of the book lies in the care and minuteness with which Lethington's political career is set forth.

HENRY W. MEIKLE.

Les Origines de l'Intendance de Bretagne. Par SÉVERIN CANAL. (Paris : Champion, 1911.)

L'Administration financière des États de Bretagne de 1689 à 1715. Par F. QUESSETTE. (Paris : Champion, 1911.)

M. CANAL's work does not go back to the remote origins of the intendancy; he deals rather with the early commissioners of the Crown, the immediate ancestors of the intendants, who began to appear in Brittany in connexion with certain specific events in the sixteenth century. The wars of religion gave the first opportunity for the encroachments of the royal power upon provincial privileges. In 1572 Claude Tudert and René du Crespin were dispatched to Nantes to assure the execution of the Edict of Saint-Germain with extensive powers of a judicial nature. In 1577 the Sieur de Saint-Martin attended the session of the estates with financial requests from the king which proved ineffectual. Two years later a similar mission failed, on the demand of the assembly for a convocation of the estates-general. In 1582, however, the financial situation was so deplorable that the estates, in response to the representations of the royal agent, voted 70,000 écus for five years in addition to the ordinary subsidies. Henry IV dispatched a number of military commissioners to the army in Brittany; Charles Turquant acted between 1598 and 1602 as the 'haut commissaire de la royauté'; he could request both the estates and the parlement to verify the royal edicts, and if necessary he could compel them to do so. All through the seventeenth century, various royal commissioners, with more and more frequency, made their appearance in the province, armed with greater and greater powers as the main power of the monarchy increased. The formal

establishment of the intendency in Brittany in 1689 was thus the completion of a long process.

The second volume under consideration is the work of M. Quessette, Professor of the College of Saint-Servan, who recently ended his promising career at the early age of twenty-three. With great thoroughness and clearness the financial peculiarities of Brittany during a quarter of a century are set forth, as explaining 'la curieuse renaissance administrative des États de Bretagne au XVIII^e siècle'. As in the rest of the *pays d'États* the taxation of the province raised directly by the king through his *receveur général* was not so heavy or complex as in other parts of France. Side by side, however, with the *fiscalité royale*, there existed that of the estates who represented by their *trésorier* collected funds such as the *devoirs* or *fouages extraordinaires* which were employed also to satisfy the royal demands. In the period dealt with the estates underwent a transformation. Under Colbert they appear as an antiquated and useless body:

au cours de leurs sessions monotones, aucune question administrative n'était discutée. Le don gratuit voté dès la première séance, on préparait longuement des doléances inutiles; et les États sommeillaient ainsi, dans une vie ralentie, qui paraissait devoir s'éteindre avec les derniers progrès de la centralisation monarchique.

At the end of the reign, however, they have become 'un corps administratif moderne . . . le rouage, essentiel du gouvernement absolu'. The ruinous wars of Louis XIV and the imperative need for fresh taxes led to new burdens being placed upon them. In the case of the *capitation*, first imposed as a temporary war tax in 1695, the amount to be subscribed by the province was made a matter of agreement, the estates distributing and collecting the tax themselves. It was to meet this obligation that they first created a *fiscalité* of their own. The *bureau de Rennes* centralized the entire administration of the tax and presently supervised all the revenues of the province, for in 1715, despite the obvious dangers of administrative autonomy, to which the government was perhaps really blind, a number of diocesan bureaux similar to those existing in Languedoc, and composed of deputies from the assembly, were grafted on to the central bureau and became important administrative organs. The sessions of the assembly gained a new vitality, and feelings of responsibility and independence were engendered which fostered the tendency to financial autonomy and led later on to the permanent administration of the *commission intermédiaire*. Thus the Crown, from motives of economy and convenience, pursued a regular policy of using the estates as a financial instrument in the matter of the new taxes, with the exception of the *dixième*, which was highly unpopular, and which it had perforce to administer through its own agents.

The Crown absorbed about 173,259,988*l.* during the period (59,800,000*l.* by direct revenues; 113,459,988*l.* through the agency of the estates). Further funds were gained by the sale of offices to the estates, and to the financiers who themselves made large profits from the administration of the taxes. In 1687 the expenses of the estates were 3,500,000*l.*; in 1714 they had risen to 14,500,000*l.*; one large item of expense was represented by the interest (over 19,000,000*l.* in twenty-five years) paid to the financiers

on loans which they had made. The new fiscal policy of the estates was in no sense democratic; the peasants reaped no advantage from the autonomous administration, and had to bear the brunt of taxation. The *capitation* raised under severe financial pressure, and originally intended to introduce equality in taxation, was easily evaded by the privileged orders who composed or supported the assembly and themselves supervised the administration of the tax: 'un impôt qui, en théorie, devait atteindre les sujets du roi en proportion du rang, retomba donc de tout son poids sur les plus misérables contribuables, et cela par la vertu de l'autonomie.' Even when the *contrôleur général* established specific charges for the nobles or the towns, ingenious means were found in the assembly to transform the imposition into a *don gratuit*, of which the parishes bore the expense. Thus the estates devoted to the interests of the oligarchy definitely took up their position as one of the forces of reaction under the *ancien régime*.

M. Quessette deals first with those taxes which existed in Brittany in the time of Colbert (*fouages* and *devoirs*), showing them to be inadequate to the growing needs of the monarchy despite the pernicious system of anticipations then in vogue; he then examines the history and varying methods of raising the *capitation* and *dixième*, and concludes with an account of the royal creation of offices which struck at feudal privilege, and their suppression or redemption by the estates. He bases his work mainly upon the records of the estates and of the intendance, both of which are contained in the Archives départementales d'Ille-et-Vilaine.

These two studies, which form parts vi and iii respectively of the series *La Bretagne et les Pays celtiques*, should be of considerable interest to students of federal institutions.

CONSTANTIA MAXWELL.

La France et le Saint Empire Romain Germanique depuis la Paix de Westphalie jusqu'à la Révolution Française. Par B. AUERBACH. (Paris: Champion, 1912.)

PROFESSOR AUERBACH has written a work of compressed information, sound scholarship, and solid learning. He never loses himself in details, nor forgets the main object of his book in following out its ramifications. This is so lucid and comprehensive that it cannot but prove serviceable and instructive to all who wish to understand the relations of France to the Holy Roman empire. It gives us adequate treatment of many neglected aspects of history, and it throws new light on many old themes. The facts, as given by the author, reflect much of the history of Europe, and have thus been expanded and deepened. Every new fact we discover about a thing is a step in the direction of its explanation, for this fact, on closer inspection, is seen to contain a relation to other things, and thus to force us beyond the limits of the part to the whole to which it belongs, and which alone can make it more fully intelligible to us.

The author begins his volume by giving an account of the theories on the constitution of the empire held by jurists and publicists during the seventeenth and eighteenth centuries. Naturally he has much to say on the work of Chemnitz and Hippolytus a Lapide. The *De Ratione Status in Imperio nostro Romano-Germanico*, published shortly before

1648, aims at making the empire as German in theory as it was in reality. The remedy of Chemnitz for the diseases of the body politic is 'domus Austriacae extirpatio'. With Bodin he perceives there must be a sovereign authority, and he sees the futility of division of power. His dislike of the imperial power influenced the action of the German states during the negotiations of Osnabrück and Münster. Though nominally an empire, Germany became in reality a federation of states, and, as Montesquieu showed, a very bad kind of federation. Professor Auerbach gives an able analysis of the imperial idea as held in the seventeenth century, and has no trouble in demonstrating once more the powerlessness of the diet. Henceforth the states went their own way in finance, in judicial matters, and in foreign policy. There was no means of coercing a disobedient member. There was no central body in Germany, for in spite of the appeal of Chemnitz the diet exercised no real authority after 1648. Attendance at its meetings was scanty. Thus in 1788 of the hundred voters inscribed in the college of princes fourteen only came to Ratisbon, while of the fifty-one free towns eight alone were represented. Perhaps the author pays a little too much attention to ceremonials: thus he gives us (pp. 88-94) details of the method of opening the diet. With no centre of unity it was easy for Louis XIV to pursue the policy of 'Divide et impera'. Like the Stuarts, the Habsburg emperors always aimed at dynastic, not national, interests. The German princes copied this example even in the eighteenth century, the age of enlightened despotism. Before the days of Napoleon these princes contemplated secularization.

Discerning Dutchmen wrote near the time of the birth of William Henry, prince of Orange: 'All the world knows well enough how the French seek to become masters of all Europe, as is seen from Cassan's treatise . . . we have seen on their cannon the words Ratio Ultima Regum.'¹ To Louis XIV, as to his people, the frontier of the Rhine, the claims on the Spanish Netherlands, supremacy in Italy and Spain, were matters of vital moment. Professor Auerbach points out how the Thirty Years' War left the way open for France to make a bold bid for the mastery of Europe. Louis made three great attempts to wear the crown of the Holy Roman emperor: His first candidature was when the imperial throne fell vacant in 1658, when Leopold was elected. His second was in 1670, when he concluded a treaty with Ferdinand Maria, elector of Bavaria, for his support in case the emperor died. The other electors did not desire so mighty an overlord, and a group of alliances was made on 30 August 1673, between the emperor and the republic of Holland, between the king of Spain and the republic, and between all these powers and the duke of Lorraine. Klopp remarks that for the first time for 130 years the empire stood united for its emperor.² When Bavaria failed him, Louis for his third attempt turned to Brandenburg, and tempted the great elector by the potent bribe of Pomerania. He too promised to use all his power to secure the election of Louis if the death of the emperor happened before the king of the Romans was born. William was now developing his scheme for an alliance with England against France, and the French

¹ Meiern, *Acta Pacis Westphalicae*, i. 243.

² *Der Fall des Hauses Stuart*, i. 376.

alliance with Brandenburg proved fatal to his success. As the author shows, the notorious 'réunions' proved the unscrupulous nature of the French designs.

We are not sure that in his careful section of the catholicism of Louis Professor Auerbach rightly appreciates it. Louis deemed that the Christian religion played its part as the great unifying power in the state, that the church must help his authority. Hence he looked upon the interests of the church, or what he regarded as such, not as an end, but merely as a means to an end, and that end—his own supremacy. Herein lies the essence of Gallicanism, the form the second counter-reformation assumed both in France and England. The western revival of catholicism and the eastern differed fundamentally. In the east the revival was engineered by the orthodox Leopold, and it was favoured by Innocent XI. In the west the revival looked dangerously like a movement for the independence of the church, and how could the pope extend his approval to a church that still adhered to the four great articles of 1682 as the basis of French catholicism?

ROBERT H. MURRAY.

Calendar of State Papers, Colonial Series, America and West Indies, January to 1 December 1702. Edited by CECIL HEADLAM. (London: H. M. Stationery Office, 1912.)

WITH the outbreak, in 1702, of the war of the Spanish Succession, the West Indies became of extreme importance in the struggle between the rival powers. In that quarter the war began gloomily for the credit of England. The French admiral, Ducasse, was on his way to Cartagena with four men-of-war of from sixty to seventy guns. The English admiral, Benbow, with seven men-of-war and a superiority of 122 guns, might well believe that the enemy had been delivered into his hands. But he had reckoned without his captains. After a running fight, lasting six days, just when final victory was assured, these gentlemen insisted on discontinuing the action, 'it not being necessary, safe, or convenient'. Two of them were afterwards shot 'for cowardice, breach of orders, and neglect of duty'. British admirals have sometimes badly blundered, but this case is probably unique wherein several captains of the line were guilty of mere poltroonery, unless, indeed, jealousy of Benbow, on account of his having risen from the ranks, had something to do with their conduct. In any case the tough old sea-dog died a few days later of his wounds and a broken heart. As some compensation St. Kitts was secured for the English by the capacity of Christopher Codrington. 'A tolerable good disposition of my forces and a lucky stratagem or two made them [the French] do that overnight which they were very much ashamed of the next morning.' But the great bulk of the material in this volume, relating to the West Indies, is concerned not with deeds of war, but with squalid controversies between dishonest or overbearing governors and a people 'very capricious, jealous, and difficult to manage'. No doubt the climate had not a little to do with the prevailing bad temper. There is a tragic incident in these papers, when the governor of Jamaica was suddenly struck down by a mortal sickness, in the middle of a sentence, which

lamented that his whole family had been ill with the exception of himself ; some were dead ; his wife and a third part of his servants were still ill. ' In short here is so little pleasure or profit that I begin to——.' The rest was silence.

Codrington was probably the best of the West Indian governors ; but we find him writing to the board of trade of a local complaint : ' I promise your lordships if he treats me as he did Col. Ebrington, I shall not break his head with a cane but a brace of balls, for it cannot yet get into my understanding that I am to be worse treated as the king's governor than as a private gentleman.' Well might the board of trade make answer : ' Governors are to be respected as acting by the queen's authority, and are to express that respect only by a due execution of the laws. . . . They ought not therefore to vindicate the personal affronts put on them by such acts of violence as are too frequently practised by others.' The whole situation, with regard to the administration of the law, was very unsatisfactory.

There is more ignorance [wrote Codrington] than corruption amongst us, but, however, the effect is much the same, and I have seen verdicts, judgements, and indeed whole processes so very monstrous that I could not but at first suspect them to proceed from villany and bribery, when upon further examination I had reason to remain satisfied they were the medley offspring of wrong principles, irregular methods, and want of discernment. . . . In the meantime I do and shall continue to put the best men I can find both into military and civil places, and endeavour to infuse into them a spirit of honest ambition to qualify themselves for their employs, and I humbly presume my endeavours have not been altogether without success.

When, with an upright governor, things were so unsatisfactory, it can be imagined what they became when the governor was dishonest and corrupt. The reported doings of one Haskett, governor of the Bahamas, read like a passage in a comic opera. No doubt George Larkin, a competent, though pompous and self-important, official, who had been sent out to the colonies in connexion with the enforcement of the acts of trade, put his finger on the true cause of much of the maladministration when he wrote :

I don't at all admire that your lordships and the other ministers are daily harassed with Complaints touching the irregular administration of affairs in the Plantations, since Patent offices are so frequently disposed of to persons wholly unacquainted with business and officiated by Deputys' Deputys' deputys, some of which are scarce capable of writing six words of sense.

In this connexion we may note a letter from Serjeant Birch about a younger son ' who was a little unfortunate in his first setting forth in the world '. Having settled himself at Carolina he was in hopes to have got the government there, but had to be content with the government of the island of Providence.

Turning to the continental colonies, we find disputes between the rival factions in New York and the long-drawn-out duel between Penn and his accuser, Colonel Quarry, occupying the prominent place. In New York the delay of Lord Cornbury in taking up his appointment served to aggravate party animosities ; and, when he arrived upon the scene, instead of standing above parties, he actively supported the tory faction. Considering

his future record as a venal governor, the high-sounding professions of virtue with which Cornbury started afford suggestive reading. The material here presented does not enable one to express a confident opinion upon the merits of the Penn controversy; but undoubtedly the worthy quaker played with loaded dice, through having friends at court, by whose help he could afford to disregard the opinions of the board of trade. Massachusetts does not play a leading part in this volume, though there is a characteristic speech of Joseph Dudley, wherein he told the representatives that Massachusetts being not so immediately profitable to the Crown in the customs and revenue as were the southern provinces, it was therefore justly expected of them to fall into other articles of trade to supply the kingdom with naval stores and other commodities there wanting, and in the meantime to be as little chargeable to the Crown as possible, by taking care that their trade was kept within the strictest bounds of all acts of trade.

Mr. Dickerson's book on the work of the board of trade was recently noticed in this Review: assuredly the present volume affords strong evidence of the board's industry and good sense; although sometimes zeal may have outrun discretion, as when the proposal was made that the independent little commonwealth of Rhode Island should have foisted on it a royal governor. It was not the fault of the board of trade that its crusade against the proprietary colonies remained still fruitless. It should be added that Mr. Cecil Headlam's preface gives a vivid summary of the main contents of the volume.

H. E. EGERTON.

Acts of the Privy Council of England. Colonial Series. Vol. v (1766-83); vol. vi ('The Unbound Papers'). Edited by JAMES MUNRO, M.A., under the general supervision of Sir ALMERIC W. FITZROY, K.C.B., K.C.V.O., Clerk to the Privy Council. (London: H.M. Stationery Office, 1912.)

THESE volumes complete the work as originally planned; they show the same high level of care and knowledge which marked the earlier volumes. The first of them covers the events leading up to the revolt of the American colonies and the war itself, the second contains miscellaneous papers from 1676 to 1783, but the period of the preliminaries of the revolution is much more fully represented than the earlier years. The 'Unbound Papers' have been treated in a somewhat different manner to volume v, which follows the lines of the earlier volumes, the 'unbound papers' (which are not really privy council papers at all, but board of trade letters and dispatches from governors, &c.) having been rigorously condensed.

It is claimed in the preface to volume v that the registers of the privy council afford a very real microcosm of British colonial administration, which was on the whole the best that the world had seen, owing to the political sagacity and predominance of compromise which marked British policy, and it is added that it was the temporary subordination of these motives to the force of accidental causes which lost the American colonies. It is, however, hard after looking through these volumes and reading the references to the views held by the American colonists on the relative

limits of the powers of the imperial and colonial legislatures, to feel that the American colonies were lost by accidental causes, though obstinacy or want of judgement may have been responsible for the loss occurring just when it did. There are plenty of signs that long before the actual quarrel there was a fundamental divergence of view which only required events to bring it out. For instance, in 1769 the assembly of South Carolina ordered the treasurer to advance 10,500*l.* currency out of any money in the treasury to be sent to Great Britain for the support of the just and constitutional rights and liberties of the people of Great Britain and America. This action of the assembly forms the subject of a careful report (§ 140 in vol. v), and it is quite clear that the assembly was guilty of an unwarrantable trespass on the power of the executive, though an unauthorized practice had evidently grown up contrary to the sound rule established here by the standing order of 1706 and now accepted throughout the empire, that grants of money must be recommended by the Crown. The home government were in fact very well aware that as settlement extended control became more and more difficult (see § 887 in the 'unbound papers').

But though the last part of the statement in the preface may be open to doubt, the first part is unquestionably true. These volumes contain a mass of information about the working of the machine, the allowance or disallowance of laws, the attempts to regulate trade, emigration, fisheries, native questions, the removal of a chief justice, and many other matters, and the claim made for the sagacity and moderation of the privy council is on the whole no doubt well founded. It is impossible to note more than a very few of the many interesting points of constitutional law and practice contained in these volumes, but it is interesting to see that Pennsylvania in 1772 attempted by a local act to grant what we should now call imperial naturalization; on which the law officers of course pointed out that a provincial assembly had no such power—they doubted indeed whether the colonial legislature had power even to grant local naturalization. Another interesting legal opinion is given on a Pennsylvania act of the same date (see § 251, wrongly given in the preface, p. xxxvii, as § 257) dissolving the marriage of one George Keehmle and Elizabeth his wife. The opinion argued very cogently that a colonial assembly had power to legislate to dissolve a marriage. The council, however, apparently fearing a bad precedent, disallowed the act. In 1766 the law officers cite the act of Charles II abolishing military tenures against a proposal of Lord Egmont and others for a grant of Prince Edward Island on condition of his finding 1,200 men for the defence of the island ('unbound papers', pp. 434-5, but the opinion is a long one briefly summarized). The 'unbound papers' contain a number of complaints against governors or officials, which certainly convey the impression that some of them required a tighter control over them than, owing to the distances and slowness of communications, it was possible in those days to apply. Steamers and cables have in this respect modified more than the mere machinery of administration. The volume of 'unbound papers' contains reproductions of a number of maps, of which one of Lake Champlain in 1766 is probably the most interesting.

H. LAMBERT.

The President's Cabinet: Studies in the Origin, Formation and Structure of an American Institution. By HENRY BARRETT LEARNED. (New Haven: Yale University Press, 1912.)

A History of the President's Cabinet. By MARY L. HINSDALE, Ph.D. (University of Michigan Historical Studies. Ann Arbor, Michigan.)

MR. LEARNED'S carefully-written monograph is limited, as its sub-title indicates, to the consideration of the origin, formation, and structure of the American cabinet. It does not deal with personnel or policy, or with the procedure and practice of the cabinet. As the author states in his introduction, 'the present series of studies has been written chiefly from such historic materials as throw light especially on the origin and structural offices of the Institution. It is consequently limited to setting forth the anatomy in contrast to the functions of the Cabinet.'

An introductory chapter traces at somewhat unnecessary length the rise of 'The Cabinet Idea in England', with a view to showing that American statesmen in the last quarter of the eighteenth century had few clear notions regarding the English cabinet committee. This chapter is not a good sample. Mr. Learned is much more instructive and fresh when he comes to deal with American material. This he enters upon in his second chapter on the basis of the president's cabinet, 1775-89. During these years the growing conviction of the need of a strong independent executive, with responsibility concentrated in one man, and the creation of administrative departments, were the main factors in determining the emergence of the presidential type of cabinet. The third chapter, on the development of the idea of a president's council, 1787-8, gives a good account of the rival theories regarding the constitution of the executive, and of the widely-differing proposals which were brought forward at this time for the establishment of a president's council. The fourth chapter concerns the four offices which were represented in the cabinet of 1789, namely, the secretaryships of state, of the treasury, and of war, and the office of the attorney-general. Particularly interesting is the account of the early relations of the secretary of the treasury respectively to the president and to congress. In his fifth chapter—an excellent chapter—Mr. Learned deals with the first Washington cabinet of 1789-93. This was a critical period, and the precedents made were of great importance in determining the relations between the president and his cabinet, and also the relations between the cabinet and congress. The ability of the members of Washington's cabinet, the gravity of the problems facing the new government, and the character and disposition of the president, all helped to establish the executive cabinet as an integral part of the American system of government. The sixth chapter, after tracing somewhat minutely references to the use of the term 'cabinet' in the United States, considers the evidence as to the position and prestige of the cabinet especially in the early period of its history. The seventh chapter deals with the office of the attorney-general. Unlike the practice in this country, in the United States the attorney-general has always been a member of the president's cabinet. But the position of the office long remained on an unsatisfactory basis, and there is an interesting account of the steps which led to the final

formation of a department of justice in 1870, and the recognition in 1886 of the attorney-general as the fourth officer in rank in the line of succession from the president.

The establishment of the cabinet and of the original offices therein represented having been considered, there follows a series of chapters dealing with the several departments of state subsequently organized, the secretaries of which have been admitted to the president's cabinet. The first addition to the cabinet was due to the creation of a department of the navy in 1798, and the appointment of a secretary who joined in that year the cabinet of John Adams. The next addition was the admission of the postmaster-general in 1829. Particularly instructive is the account of McLean's tenure of the postmaster-generalship between 1823 and 1829, and the evidence of the relations which existed between members of the cabinet and members of the administration who were not in the cabinet. Twenty years later, in 1849, the department of the interior was formed with a secretary in the cabinet. Forty years passed before another secretary was added to the cabinet, when in 1889 the department of agriculture was given representation in the president's council. Finally, in 1903 the department of commerce and labour was established, the secretary forming the ninth member of the president's cabinet. A separate chapter is given to each of these executive secretaries, tracing the steps which led to its establishment and its admission to the cabinet. Beyond this point the narrative is seldom carried.

It will thus be seen that the scope of Mr. Learned's book is strictly limited. It deals with the origin of the cabinet and with the establishment of the various departments which have received representation in the cabinet. But within this strictly limited sphere it is an exceedingly careful and impartial study, well thought out, and clearly expressed. It forms thus an admirable introduction to the historical study of the American cabinet. There are useful bibliographical notes after several chapters, and an extended list of materials is provided at the end of the volume.

Miss Hinsdale's book is useful and suggestive, though at first sight the method of treatment adopted seems unpromising. After a short, clear account of the origin of the president's cabinet there is a succession of very brief sketches of the several cabinets from the presidencies of Washington to that of Mr. Taft. These sketches occupy roughly 260 out of 330 pages of text. Miss Hinsdale states in her first chapter that 'it is her aim to try to determine what the American cabinet is by bringing together the important facts of its own history'. Accordingly, as might be expected, different cabinets are treated with varying fullness. But how brief some of the sketches are may be judged from the fact that the presidencies of Cleveland are dismissed in two short chapters which together amount to less than five pages, and other administrations of less mark are dealt with even more summarily. Miss Hinsdale can pack a great deal of information into a small space, and even in the barest of these outlines illuminating comments are seldom lacking. But readers will, I think, feel that she has impaired the interest and value of her work by the

crude and abrupt method which she has adopted. Not unfrequently the narrative becomes little more than a chronicle of the personnel of the several cabinets and of the changes in the tenure of office which took place within the period of any one cabinet. On the other hand, several chapters present a conspectus not only of the personnel of particular cabinets and of the grounds on which individual members were selected, but of the main questions of policy raised, and of the attitude of congress to the president and his cabinet. The accounts of the cabinets of Washington, Jefferson, Madison, Monroe, Jackson, Tyler, Lincoln, Johnson, and Grant are examples of a more adequate and satisfactory treatment. Even so, the subject would have gained in clearness of outline and in vividness of impression, if, in such limited space, more characterization and less detail had been attempted.

Much more attractive and of greater value to the student is the concluding portion of the book, consisting of three chapters, 'The Principles of Cabinet Making', 'The Cabinet and Congress', and 'The Cabinet and the President'. Here Miss Hinsdale makes good use of the material which she has assembled. There is a careful survey of the factors which have helped to determine the selection of cabinet officers and of the extent to which cabinets have been recruited respectively from the ranks of congress, from the state legislatures or executives, from the civil services, and from the professional and business interests of the country. Again, in considering the relations of cabinet and congress, Miss Hinsdale has done well in drawing attention to the various ways whereby cabinet and congress may keep, and usually do keep, in close touch with one another, and it is interesting to note her conclusion that

there is no movement towards a fusion of the two great branches of Government, as a few American Publicists with Anglican leanings might hope. But, neither are the processes of legislation so bungling, and so unaffected by administrative insight and advice, as they appear to English critics, with their predisposition to hold the Cabinet system of Government superior to the Presidential-Committee system.

The final chapter, on the relation of the cabinet and the president, is also full of interesting observations on the changes which have from time to time taken place in the relative influence of president and cabinet. 'At one extreme,' says Miss Hinsdale, 'stands the Cabinet regency with which the Buchanan Administration went out of office, and at the other, the quasi-military regimen of Jackson and Grant, under which Secretaries were handled more like a General's orderlies than high Civil Officials.' Clearly the relative strength of president and cabinet must depend largely, as also in the parliamentary cabinet in this country, on the personal equation. But in the presidential as in the parliamentary cabinet the tendency is towards a closer unity and solidarity in administration. The president's control over the cabinet has not diminished, though the great complexity of the administrative services and the growth in the size of the cabinet have made it necessary to devolve larger responsibility on individual ministers. There is no tendency on the part of congress to thrust itself between the president and his cabinet, or to divide the responsibilities of the president. The cabinet, as cabinet, remains simply the body of his advisers, and while its members are the officers of the

government of the United States, they are placed in this position by the action of the president, with the approval of the senate (an approval which is rarely refused), and they can be removed from this position simply on the ground that their views are not harmonious with those that find favour with the president.

Miss Hinsdale's book covers a wide range, and the student will find in it much suggestive comment. The style, as a rule, is marked by vigour and terseness. There is a short, well-arranged bibliography.

W. G. S. ADAMS.

Le Comte L. C. M. de Barbiano di Belgiojoso et ses Papiers d'État conservés à Milan. Par ALFRED CAUCHIE, Professeur à l'Université de Louvain. (Extrait des Bulletins de la Commission Royale d'Histoire de Belgique, 1912, tom. lxxxi. Brussels, 1912.)

IN the work before us we have another example of the light thrown on Belgian history from the records of private families in very remote cities. In this instance the descendants of the Belgiojoso family have enabled Professor Cauchie to throw an interesting light on the Belgian revolution under Joseph II, and to add something to the researches of Schlitter and Hubert on that subject. The letters and memoranda actually quoted are not numerous, but they are of first importance, as they consist of secret and often unofficial letters between Belgiojoso, as governor of the Netherlands (April 1783–July 1787), and Joseph as emperor. They are well edited and of considerable interest.

The letters reveal Belgiojoso himself in a clear light. An Italian soldier of fortune in his youth, audacious and successful, a clever courtier and a distinguished diplomatist both at Stockholm and St. James', he finally secured the great Austrian prize of the governorship of the Netherlands. He was not ill-fitted for the task by nature, though neither war nor diplomacy train a man in the knowledge of governing and handling a conservative population in a time of civil strife. His unpopularity became great in 1787, but for this fact he was hardly responsible. It is true that he was a devotee at the shrine of Venus, a diner-out of high lustre, and the constructor of a gorgeous park and palace, but neither his English mistress, 'Besse Jones,' his Lucullan feasts, nor his ostentatious splendour, were the real causes of the popular hatred. Personally, Belgiojoso was a moderate and conciliatory ruler, with some sense of the need of reverence towards the old Belgic constitution (pp. 60, 105), and a genuine desire to yield all that was possible to justifiable opposition. His real crime in Belgian eyes was that he carried out the commands of his master with the strictest attention between 1783–6, while in the eyes of Joseph he was a craven for having made concessions to the popular excitement in the spring of 1787.

The fact is revealed more clearly here than elsewhere that Joseph was the real ruler and Belgiojoso the instrument. The whole Josephine policy in Austria or Hungary is here shown in its familiar outlines; only the country is different. The particular interests of lawyers, nobles, and ecclesiastics must yield to the general good of the country, and

a systematic centralized system in church and state is to supersede the old administrative chaos and muddle of feudal and constitutional rights. Opposition is to be expected 'lorsqu'il s'agit de déraciner les abus et d'y substituer le bon ordre' (p. 74). You and I, my good Belgiojoso, will hold on our way 'sans regard pour naissance ou liaison quelconque'. So long as firmness is shown and the general principle is established, victory is certain. The imperial philosopher left one thing out of count in Belgium as in Hungary, the possibility of revolution, in which he seems to have disbelieved almost to the last (pp. 112-13, 116). The letters of Joseph and his governor in no small degree supply the explanation. The abstract nature of Joseph's principles is everywhere apparent, while he overburdens himself with overmuch detail. Thus we find him drawing up regulations for a *chapitre des dames*, refusing to appoint a councillor because of his age, discussing the best site for the meeting-place of the central council, and recommending that certain taxes should be received in kind to stop the profits of middlemen. His observations are often full of a bitter wit, as when he speaks of England (p. 84): 'prétentions impudentes, dont elle s'arroe l'empire des mers aux dépens du commerce de l'univers,' or when he reproaches Belgiojoso with military inactivity: 'Je suppose qu'on ne croit pas exister aussi dans le service militaire une Joïeuse-Entrée,' or when he reminds him that in politics (p. 96) 'le mieux est presque toujours l'ennemi du bien'. The causes of his failure become clear in a few more sentences. On 28 May 1787 (p. 110) he speaks of the old Belgic constitution and La Joyeuse Entrée 'qui doit d'ailleurs être expliquée toujours selon la convenance publique, les loix (*sic*) n'ayant leur valeur par leur ancienneté, mais par le bien qui résulte'. There speaks the crowned revolutionist. His tenderness and love of the people show itself in his letter to Belgiojoso directing that certain relief funds, in consequence of the floods, shall be given first to the peasants and farmers as the most necessitous, and only later to the seigneurs. Finally he writes (p. 99): 'en tenant ferme et en suivant son système en tous points, sans regarder qui cela touche, et n'ayant pour but que le bien général, on n'est pas à la vérité aimé, mais respecté et considéré.' Here, too, Joseph erred; this great-hearted and hapless ruler has won not only respect from posterity, but a love from the Austrian people such as no Habsburg has equalled.

HAROLD W. V. TEMPERLEY.

Die Erklärung der Menschen- und Bürgerrechte von 1789; Beiträge zu ihrer Entstehungsgeschichte. Von WILHELM REES. (Lamprecht's *Beiträge zur Kultur- und Universalgeschichte*, No. 16. Leipzig: Voigtländer, 1912.)

THE object of this work is to consider once more the question how much, if anything, the *Déclaration des Droits* of 1789 owes to American influence and precedent. The recent literature on the subject is considerable in bulk. German writers, especially since Jellinek, have tended to magnify the effect of American influence. This tendency has had its critics, both in and outside Germany; but Dr. Rees complains, not without justice,

that both sides in the controversy have confined themselves too much to general reflections, and that neither has investigated the contemporary material in sufficient detail. The defect has been partly remedied by Klövekorn in his article in Ebering's *Historische Studien* for 1911, an article which appeared too recently for Dr. Rees to do more than refer to it occasionally in notes. As Klövekorn and Rees belong to different sides, the comparison of their studies is interesting.

The strong point of Dr. Rees's work is his clearness of logical method. In a preliminary survey of the field of controversy, he points out what Jellinek and his followers have to prove before their point can be regarded as established. He then explains how he proposes to treat the questions himself, and, at frequent intervals throughout the book, he reminds his readers by convenient summaries of the effect of the evidence. This unusual gift of lucidity, added to the industry and care shown in his treatment of the details, makes the argument for the most part very effective. He surveys in succession the political literature of the years immediately preceding the revolution, the contents of the *cahiers*, the course of the parliamentary debates, and the various *projets de déclaration*. His aim is to show that the amount of verifiable American influence is small, that the majority of writers and speakers start from French or English rather than from American ground, and that the declaration of 1789 in its final form, while it still has marked differences from its American predecessors, appears to be far more different still when the successive stages of its growth are studied. Next, Dr. Rees argues that, while too much may have been made by some writers of the effect of French parliamentary theory and of the views of the physiocrats, the summoning of the States-General was quite enough to account for all that followed it and to explain the form and matter of the discussions. Finally, in a short chapter on Rousseau, which might perhaps with advantage have been fuller, he shows that the principles of the *Contrat Social* are not, as Jellinek had maintained, opposed to the theory of natural rights. Recent critics of Rousseau have dwelt on the extent to which he merges the individual in the state, and have pointed out his affinities with Hobbes (an affinity to which, by the way, Dr. Rees might have alluded in his reference to Rousseau's religious views). But, whatever inferences ought logically to be drawn from Rousseau's principles, it is paradoxical to maintain that he was regarded in his own time and in the years immediately following as an opponent of natural rights.

Dr. Rees has succeeded in showing that American influence has far too readily been assumed without sufficient inquiry; and yet a doubt remains as to the general conclusion to which he leads us. He makes a convenient distinction between 'existential' and 'substantial' dependence of French on American thought or action: that is to say, between the two distinct questions whether France in 1789 was affected by what had happened in America, and whether the declaration of 1789 was affected in detail by particular points derived from American declarations. Dr. Rees appears to reject both kinds of dependence. He makes a good case against 'substantial' dependence. 'Existential' dependence, however, appears to be as difficult to disprove as to prove. Jellinek asserted that the French

would certainly never have set up an exposition of rights but for the American bills of rights. To prove this, Jellinek should certainly have shown that no non-American source, known to us, is adequate to produce the given effect. He has not succeeded; but, at the risk of seeming to be pedantic, it may be pointed out that, even if he had succeeded, his statement would not have been justified. Had the American bills of rights not been issued, it is simply impossible to say what would have happened in France; for we have no means of knowing what would have happened had history been different. The opposing view of Dr. Rees appears to be open to a similar criticism. If he means to deny that America had any influence at all on France, and to assert that the events of 1789 would have been precisely the same even if the American events of 1776 had not occurred, surely he is going beyond what can possibly be proved. We cannot tell what would have happened in France had things gone differently in America, any more than we can tell what would have happened to the British empire; and, even had the connexion between France and America been much less close than we know it to have been, it would have remained exceedingly unlikely that what had occurred on the west of the Atlantic only thirteen years before should have produced no effect in Europe.

P. V. M. BENECKE.

Enactments in Parliament specially concerning the Universities of Oxford and Cambridge, the Colleges and Halls therein, and the Colleges of Winchester, Eton, and Westminster. Edited by L. L. SHADWELL, M.A., of New College, Oxford, Barrister-at-Law, in four volumes. (Oxford: Clarendon Press, 1912.)

THIS collection of enactments is a work of great and varied historical interest. It covers a period of close on five centuries and a half. It begins with a sumptuary law of 1363, concerning diet and apparel, and the duty of clerks who had 'such estate as requireth furr'. It concludes with the Finance Act 1910, and the qualified exemption from reversion duty and undeveloped land duty of lands held by universities and colleges, as being 'governing bodies constituted for charitable purposes'. Between these two points we get, in the compass of four volumes, a complete statutory history of the two universities, their colleges, and the three great public schools. As a history of the relations of the universities with the State it is incomplete in the absence of the charters, which gave them representation in parliament, which conferred and defined their privileges in the matter of jurisdiction, which in the case of Oxford, by the confirmation of the Laudian Code, gave rise to much difficulty and dispute as to the powers of the university to make statutes at variance with the code. The answer to any such complaint of incompleteness is plain enough. Mr. Shadwell has not set out to write or compile a history of the universities and colleges, but to provide so much of the material for that history as is to be found in statutory enactments. This he has done exhaustively, with much research, and taking every security to ensure accuracy. No one can read the preface to these volumes without feeling assured that in the collection of the enactments no care has been omitted, and that

in their transcription nothing has been left to chance. In the matter of arrangement one is sometimes tempted to regret that legislation on particular topics should not have been grouped for convenience of study and reference. The relations of the universities with the towns in which they are situated, the control exercised by the state over the dealings of colleges and universities with their land, the numerous provisions for the improvement of roads and streets, might perhaps have been thus arranged ; but there may have been difficulties, not obvious to the reader but apparent enough to the compiler, which made such a course impossible or undesirable. In any case it would be ungrateful to criticize in any carping spirit the arrangement of a work of so much labour, learning, and utility.

Many interesting points suggest themselves in the study of the earlier enactments. Members of universities are used to contemplate with some anxiety the appointment of a university commission not only because it may interfere with their freedom of action, but because it may possibly deal with our revenues in methods and for purposes of which they may not approve. But far worse than any commission were the Acts of Resumption of Henry VI, Edward IV, and Henry VII, which must have given rise to a painful sense of insecurity in the minds of members of royal foundations throughout the latter part of the fifteenth century. A royal founder or co-founder, even if, as in the case of All Souls and Henry VI, the king had contributed nothing to the endowment and had been introduced only for the better security of the property, was in days of dynastic change a very dangerous feature in the constitution of a college. When Henry VII was settled on the throne these anxieties ceased, to be revived for a while by the *Praemunire* of Henry VIII and the act 1 Edward VI, c. 14, respecting chantries and obits, but thenceforward the universities and colleges retained their property in security and a free hand in dealing with its proceeds.

It is worth noting that the legislation of the nineteenth century, while, through the machinery of university commissions, it has seriously restricted the power to deal with the income of property, has considerably enlarged the power to deal with the property itself. College revenues are now appropriated, somewhat closely, to purposes set forth in commissioners' statutes ; but the University and College Estates Acts relaxed to a great extent the restrictions on sale or leasing imposed by earlier legislation.

The Mortmain Acts, on the one hand, which limited the acquisition of land, the acts of Elizabeth on the other, which restricted the use of land, placed universities and colleges at a great disadvantage in respect to the development of their properties. It would almost seem as though directly parliament ceased to make the tenure of college property precarious by acts of resumption or threats of forfeiture, it became over-anxious lest colleges should deal improvidently with their estates. Acts of Elizabeth, sometimes described as the 'disabling Acts', forbade any dealings with college property except by way of lease ; leases were limited in duration to twenty-one years for agricultural land and forty for house property in towns with a limited adjoining acreage ; in case of agricultural leases one-third of the rent was to be reserved and paid in corn, and no lease was

allowed to be renewed until within three years from the date of its expiration. The difficulties occasioned by these restrictions are illustrated in the third appendix to the collection of enactments, which contains a number of special private acts necessary, in each case, to enable a college to deal with its property to the best advantage despite the stringency of the legislation of 13, 14, and 18 Elizabeth. It was not until the reign of Victoria was well advanced that universities and colleges, including Winchester and Eton, obtained power to effect sales and exchanges of their property, subject to the control of a government department as to the propriety of the sale and the investment of the purchase money; and to lease lands for specified terms for agricultural, building, or mining purposes. The position has been improved by the amending act of 1898, which gives to a university or college something approaching to the position of a limited owner under the Settled Land Acts, with the board of agriculture in place of a trustee. A college has not all the powers of a tenant for life, nor is the board of agriculture always a sympathetic trustee, but it has nevertheless become possible for a college to develop its property in a manner which it is to be hoped may prove satisfactory to the newly constituted Finance Board.

While modern legislation has relaxed the restrictions imposed by the Elizabethan statutes upon the management of corporate property, it is evident from the character of many of the enactments in these volumes that the restrictions were imposed in what parliament conceived to be the interest of learned societies, who, like children, needed to be restrained in one direction and indulged in another; for the four volumes are full of enactments which grant privileges or give relief from taxation in various forms. The successive exemptions from subsidy and land tax form the subject of an interesting note in appendix iv; they contrast favourably with the attitude of parliament in 1909 in declining to relieve university and college property from reversion and undeveloped land duty except in the case of land actually used and occupied by the society.

Passing from the property of the universities and colleges to their constitution, the enactments show that from the date of the incorporation of the two universities in 1571 until the first university commissions, for Oxford in 1854, for Cambridge in 1856, and excepting the Visitation of the universities ordained by the commonwealth, parliament intervened only in minor matters relating to the internal affairs of these societies. Thus, the permission given to the warden of Wadham to marry, and to the fellows of Wadham to elect a married man as warden, the annexation of ecclesiastical preferments to headships or professorships, touch no large or general interests. It is nevertheless of some use to have before us the whole history of parliamentary dealings with us down to the epoch-making changes of 1854, 1856, and 1877.

The relations of the two universities to the towns in which they are situate may be traced through these volumes. The student of municipal history may find here the dry bones, the hard outline, from which he may work out in the life of Oxford city what J. R. Green described as 'the gradual subjection of markets and trade to the arbitrary control of an ecclesiastical corporation', and may trace the recovery by the city,

under nineteenth-century legislation, of its due measure of self-government. The approaches to Oxford by road and bridge receive the attention of the legislature in 1575, in the interest of travellers and of markets. But thirty years earlier the paving of the town of Cambridge was provided for, with the fullest and most paternal care, by an act of Henry VIII. Undoubtedly the preamble describes a state of things which needed amendment. The ancient borough and town of Cambridge, 'wele inhabited and replenysshed with people bothe in the Universite where noble and many worshipfull mennys chyldren be put to lernyng and study, also wyth dyvers and sundry Artyficers and other inhabitauntes, ys at this day very sore decayed in pavyng'. The high streets are 'excedyngly noyed wyth fylth and myre lying therin, great heapes and brode plasshes not onely noysom and comberouse to the inhabytauntes', but also, as we can well suppose, to foot-passengers, and 'allso very perillous and tedious' to persons on horseback or drivers of carts. The remedy is prompt and precise. Owners of houses in certain streets are to pave them, in lanes to repair the lanes with 'gravell and other thynges', and to keep them so paved and repaired, subject to penalties of sixpence a square yard of the paved streets, and a shilling 'for every polle' of the gravelled lanes. These duties are to be enforced and the penalties exacted by the vice-chancellor and the mayor, and if these functionaries are neglectful or partial in their administration of the law, they may be fined 100 shillings for every default of duty, one-half to go to the king and the other half to the informer. It is further worth noting that for those who do the work of paving a *maximum* wage is specified, and if any one exercising the craft of paviour should take more than a penny for a square yard of paving, or 'for his daye's labour vi^d and fynd hymselfe', he is to be liable to the penalties comprised in the Statute of Winchester. The statute is worthy of study, not only because it affords an excellent illustration of what Bacon describes as 'a persuading and inducing preamble', but as showing the care with which the details of legislation were worked out under the Tudors.

The student of the history of locomotion in England may find many similar points of interest in the numerous enactments for the navigation of the Thames, and of the improvements of the roads around Oxford and Cambridge, until we come to the time when railways approached Eton and the universities. Then arose the struggle for seclusion which was only too successful, to which Oxford men owe acquaintance with the forlorn characteristics of Didcot junction.

Incidentally many other points of interest crop up in the perusal of the enactments. The precedence of Oxford and Cambridge where the two universities are spoken of together seems to have been an open question until the year 1605. In the first act which exempted the universities from the subsidies granted by the temporality Cambridge comes first. In the Act of Incorporation Oxford is given precedence. Mr. Shadwell gives us in his preface a note with an extract from the Commons' Journals describing a discussion of the question in the House, when it was resolved 'with much odds' that Oxford should be first; but the history of the bill in question is curious. It was a bill to forbid the residence of married heads of colleges

within college walls. The bill was read a first time with Cambridge first ; at the second reading Oxford took the place of Cambridge ; when the bill came out of committee, by the mistake (so it is stated) of a servant, Cambridge came before Oxford ; thence ' a great dispute and much time spent in the House ', with the result as above described. But the bill had a stormy career : the third reading was carried, after a lively debate, by 169 to 104 ; it went to the lords who, after reading it a second time, resolved not to go into committee upon it. Thus the measure, in course of which this nice point of precedency was settled, came to an inglorious end. It is interesting to know that university affairs were so exciting in the parliaments of James I.

The earlier statutes give us in a short compass some good illustrations of the change in legislative procedure, and of the growing importance of the commons, in the end of the fourteenth and throughout the fifteenth century. All the earlier acts cited are passed at the *request* of the commons, and with the *assent* of the lords, with the exception of an act of Richard II—the only one of that reign which appears in the collection—passed at Cambridge, ' by the assent of the Lords and Commons there assembled.' This is the modern form which does not become habitual till near the close of the reign of Henry VI, when acts are passed ' by the advice and assent of the Lords Spiritual and Temporal and the Commons in the said Parliament assembled '. The change is indicated by a corresponding change in procedure ; and alongside of this growth of the power of the commons in legislation we may note the transition from the *petition* of the commons followed by enactment with the assent of the lords, to the *bill* containing the measure which the houses wanted, to which the king was asked to say ' yes ' or ' no '. We have in 1449, in 1450, and in 1461 acts of resumption taking the form of petitions framed and presented by the commons, assented to by the lords, and granted by the king with certain reservations ; but in 1459, when King's College desired a confirmation of its charters, the petition was in the form of a ' *cedula exhibita hanc seriem verborum continens* ', and the wishes of the lords or commons come to be expressed with precision, as in 1 Edward IV, ' *petitio sub eo qui sequitur tenore verborum*,' or in the third year of the same reign, ' *cedula formam cujusdam actus in presenti Parlamento fiendi in se continens sub hac serie verborum* '. In the thirteenth of Edward IV we find the ' *billa formam actus in se continens* ', to which with the advice of lords and commons the king assents, but with certain savings and reservations to be put in writing during the session of the parliament, and to be effectual notwithstanding the terms of the act.

Enough has been said to show that these earlier enactments present points of varied interest, but it may not be amiss to remark that the advocates of phonetic spelling may study them to some advantage. We have been urged to adopt this method on the ground that the unerring instinct of writers of every age and class would make for simplicity and uniformity. It is therefore somewhat discouraging to find that the official whose title we have been in the habit of presenting in the form ' mayor ' appears within eight lines, on p. 145, in an act of Henry VIII, as ' Mayour ', ' Mayer ', and ' Mayre '. The draughtsman of 1547 was not trammelled by our arbitrary rules, but it is nevertheless difficult to discover the

guiding principle, making for uniformity, which led him in the space of five lines to spell 'profits' 'proffittes' and 'obits' 'obytes'. Even those who are prepared to claim a certain right of private judgement in spelling will admit that here the phonetic method promotes an excessive latitude of treatment.

These four volumes constitute an invaluable addition to the history of the universities and colleges whose statutory record is here set forth; they represent immense labour, learned, intelligent, and well bestowed; but it is necessary to pass upon this work one criticism, not hostile but severe. These volumes are essentially works of reference. They will be studied, not for any literary charm which they may possess, for this is not a common feature in an act of parliament, but because the reader wants information on some particular point, and in all probability wants to get it with the least possible delay. But the table of contents is at the beginning of volume i, the index is at the end of volume iv, and the reader, though he may know that the object of his search is Georgian, or early Victorian, can only ascertain the contents of volumes ii or iii by reference to the beginning of volume i or the end of volume iv. It would have been a simple matter to allow to each volume, if not an index, at least a table of contents, and ungrateful as it may seem to utter these parting words of reproach to the learned editor of this most valuable compilation, he does seem to need some reminder of the shortness of life and the value of time.

WILLIAM R. ANSON.

Men and Measures; A History of Weights and Measures, Ancient and Modern. By EDWARD NICHOLSON, F.I.C., F.C.S. (London: Smith, Elder & Co., 1912.)

THIS is the outcome of the learned leisure of an army surgeon with Indian experience who has lived in Provence. The book is difficult to appreciate fairly, since the author has voluntarily renounced any claim to completeness, and has deliberately chosen not to burden his work with references. He offers it as 'an attempt to show the metric instincts of man everywhere and in all time', with especial reference to the struggle between English weights and measures and the metric system. The result is a book which is at least interesting and stimulating. It is substantially a thesis to prove the scientific basis of the English system, and to urge its claims alike on the score of history and of convenience as against the encroachments of the metric system. The book claims our especial attention as it appears to be the basis of the new article on weights and measures in that far-reaching publication *Whitaker's Almanack* for 1913.

The weakness of Colonel Nicholson's book is that it treats as certainties hypotheses of the derivation of standards which are still on their trial, and even beginning to be discredited. Thus he has no doubt that the base of the Great Pyramid is one-eighth of a meridian mile and was deliberately so planned, and disregards the results of Professor Petrie's calculation of the base at the pavement level, which do not fit his views as closely as the measurements of the unevenly-set corner-sockets. He seems to over-estimate the mathematical attainments of the ancient Egyptians, and

he makes too much use of 'involution' in the derivation of linear measures. In a popular work a much higher degree of scepticism is desirable. On the other hand, he neglects other equally ingenious methods of filiation. His only reference to Sir Charles Warren's *Ancient Cubit*, with its interesting suggestion that the necessity of 'squaring the circle' in the comparison of cubical and cylindrical measures may have a bearing on the formation of standards, seems to be a disclaimer of any attempt to connect the Great Pyramid with a measurement of 440 cubits. Nor does he refer to Professor Ridgeway's *Origin of Metallic Currency* with its hypothesis of ox- and slave-units. It might have led him to treat the question of seed-grains somewhat less cavalierly. On the other hand, he makes much use of the rather dubious 'water-wheat' ratio as a foundation for units of capacity. Both this and 'involution' are somewhat endangered by the probability so forcibly urged by Professor Ridgeway that weight-standards originate with the precious metals and are likely to become fixed without reference to measures of capacity; and thus wheat and water are originally measured and the quantities so fixed are only weighed in a late stage of civilization. In the same way Colonel Nicholson lays stress on the fact that a cubic foot of water weighs 1,000 ounces, which Professor Petrie regards as a mere coincidence. Colonel Nicholson's derivation of the English foot from the mean degree (p. 55) is thus somewhat difficult to accept. We have to believe (1) that the base of the Great Pyramid was planned to be one-eighth of a meridian mile; (2) that the cubit actually used in its construction (20.6 in.) is derived from its five-hundredth part; (3) that the Alexandrian talent was derived from this last; (4) that the English foot was arrived at by taking the cube root of a mass two-thirds of the Alexandrian talent, viz. 1,000 Roman ounces. The fact that the so-called 'meridian cubit' (12.16 in.) is incommensurable with the royal cubit (20.6 in.) and the 'involution' in the last stage of the pedigree make the hypothesis improbable.

In dealing with English weights and measures the book shows a certain want of historical training. The so-called 'statutes' of the thirteenth century relating to weights and measures are regarded as enactments, rather than as clumsy table-books giving practical directions for dealing with a state of things in which the 'one weight and one measure' of Magna Charta were only a pious aspiration. Colonel Nicholson sees that the statute of 'Weights and Measures' recognizes two pounds, apparently the pound tower and the pound avoirdupois, but he interprets it as a malicious endeavour to evade the truth that there were two pounds, instead of a mere effort to express them in terms of each other for purposes of convenience. Again, in dealing with Tudor statutes he treats the repetition of the old scale derived from these ancient tables as disingenuous, forgetting that there was then no necessity that a penny should weigh a penny-weight. It is indeed impossible to suppose that coins could have been used as weights after the end of the thirteenth century. Thus, too, he regards debasement of the coinage in Plantagenet times as wilful fraud, while modern investigation tends to show that it was brought about by the wear of the older coins, and the necessity of coining the new ones of the average current weight in order to prevent their disappearance

under Gresham's law. In minor matters, too, there are slips which shake the confidence of the reader. Thus Offa (p. 94) is stated to have 'struck a gold coin with an Arabic inscription, dated 157 of the Hejira = A.D. 774'. One can only wish that a reference had been given to the source of this statement. Similarly (p. 177) the statement that 'In Stephen's reign the land revenue of countries (*sic*) was farmed out', suggests that the first Pipe Roll is still attributed to the fifth year of that king. The strange transliterations of Greek words (pp. 4, 44) may be due to some defect in proof-reading, but the etymological reasoning also is unconvincing. Thus *pan* (Provençal)—about one-quarter metre—is connected with the Latin *pannus*, and expressly dissociated from the French *empan*. 'Bung' is regarded as onomatopoeic instead of being connected with *Bondon* or *punctum*. 'Fother' and its cognate *Foudre* is derived from *fulgur*, another departure from the usual view.

Enough has been said to show that *Men and Measures* must be read with caution, but subject to this caution there is much to praise: the book shows both research and insight, and is especially interesting for its full treatment of Scotch and Provençal weights and measures. It is odd that the *nal* or pole should be omitted from the account of Indian land measures, but Colonel Nicholson's obvious leaning to the division into sixteenths is one which will be shared by many Anglo-Indians to whom the division of the rupee into annas is commended by practical experience of its convenience. The weaknesses of the metric system when rigidly applied are extremely well set out, and as a protest against its wholesale adoption the book may safely be said to have attained its object. For purposes of reference it would have been wise to add a complete bibliography and a better index.

CHARLES JOHNSON.

Short Notices

IN the first instalment of what promises to be a large work entitled *Einführung in die Geschichte des römischen Privatrechts* (Halle a. S.: Niemeyer, 1912), Dr. Karl Polenske develops a very interesting theory of the original Roman conception of property and conveyance. An analysis of the form of mancipation leads to the conclusion that it was originally in essence not a conveyance so much as a form of acquisition, in fact an *occupatio*. In this early form, *mancipium* as opposed to *mancipatio*, it was the universal mode of acquisition. But its application was limited by the claims of gens and family on certain forms of property, *familia* as opposed to *pecunia*. At a certain stage the restraints on alienation begin to break down; alienation is allowed by *mancipium* in a statutory (?) form which safeguards the rights of gens and family. This develops into *mancipatio*, and the party-witnesses become degraded into testimonial witnesses. On the other hand, the *mancipium* of other kinds of property remains free from regulation, and consequently, as the idea of conveyance takes the place of the idea of *occupatio*, *mancipium* on this side develops into *traditio*. Thus we reach the distinction *res Mancipi* and *nec Mancipi*. The great merit of this theory, which is in many respects novel, is that it accounts not only for *mancipatio*, but also for *traditio*, in a reasonable way. Usually the theories about *res nec Mancipi* look like mere after-thoughts. It is needless to say that this new doctrine requires careful consideration, but it also deserves it. The author regards it as certain, basing himself on methodical considerations, which are mostly excellent common sense somewhat elaborately expressed. At any rate the method has led to good results, and we look forward with interest to the remainder of the work.

F. de Z.

Dr. H. Dragendorff's *Westdeutschland zur Römerzeit* (Leipzig: Quelle & Meyer, 1912), with its 120 pages of print and its 35 illustrations, appears in a 'popular' series and is simple enough to be understood by any one. But it is written by a leading authority on Roman Germany; it sums up the best that is known about its subject, and here and there it adds new outlooks and conclusions. It deserves to be warmly recommended to students of Roman imperial history. On one point we feel some doubt—whether, namely, Keltic speech lived on so long in Gaul as Dr. Dragendorff seems to think. All language has, of course, a strange vitality. That one can see in the Basque corner of France (to be added to p. 117) or in the Serbo-Croat villages in Italy which still keep their Slavonic tongue after four centuries of loneliness. One would hardly be surprised to learn that in the Vosges and the upper Mosel valley, the land of the 'mardelles', Keltic lingered on into the middle ages as it did in Westmorland. But the whole trend of history goes to show that by

the fourth century Latin had become the dominant tongue in most of Gaul. Jerome's Gallic-speaking Treveri must have been uncouth hill-men who came down from the Eifel or the Hunsrück or the northern Vosges to sell their forest-produce in the civilized town, in which they were as strange as the Gorals in Cracow or Lemberg. Certainly the hybrid Gaulish inscriptions, in which *ieuru* and *v. s. l. m.* figure side by side, recall the dying Cornish rather than an even middle-aged language. F. H.

M. E. C. Babut, already well known from his monograph on the council of Turin,¹ in which much new light was thrown on the ecclesiastical history of south-eastern Gaul in the first half of the fifth century, and from his book on Priscillian, has now given us a learned and exhaustive work on *Saint Martin de Tours* (Paris: Champion, s.a.), a man of whom legend knows so much and history so little. M. Babut has no difficulty in showing that the writings of Sulpicius Severus, which are almost the only authority for Martin's life, are utterly untrustworthy, many of the stories being taken from earlier sources in which they are told of other men; that Martin's later renown was founded on the life by Sulpicius; and that in his own time his high reputation was confined to a small circle of admirers, while the other bishops and his own clergy were bitterly hostile to him. To discover the actual facts is a harder task, and the result of M. Babut's work, critical and suggestive though it is, amounts to little more than showing how small our knowledge is. The life by Sulpicius may be said to consist chiefly of miracles; but, though many of these are his own inventions, we have other evidence that Martin professed to work miracles, and M. Babut devotes some space to an attempt to separate those which the biographer invented from those which he had heard from others, describing these last as 'authentic miracles', though it is not quite clear what he understands by this term, for many of the facts recorded do not seem capable of a natural interpretation, and he does not suggest any. M. Babut's work is so sound and accurate that there are very few points for a reviewer to criticize. One would suppose, from the manner in which the chronicle of Prosper is cited on pp. 17, 18, that this was the only mention of Martin in that work; but another reference to him is cited on p. 126, and the epithet 'beatus' there applied to him is hard to reconcile with the interpretation given to the other passage. It is explained in the preface that the book is a re-publication of ten articles which originally appeared in the *Revue d'Histoire et de Littérature religieuses*, and that each article had to be revised separately; but this matter could have been rectified in a short note. It is more important that the interpretation of the canon of Turin, cited on p. 158, is untenable; for, if the clause 'Si quis ab eius communione se voluerit sequestrare', is preterite, no condition is attached to the reception of the schismatics, who might therefore still refuse to communicate with Felix. Clearly the clause is future, and expresses the condition of reception. This of course makes the synod anti-Felician, which M. Babut shows to be impossible; but the only conclusion from this is that the text is corrupt. 'Eorum' for 'eius' would give the required sense, but is not quite satisfactory. On the other

¹ See *ante*, xx. 395.

hand, M. Babut seems unnecessarily cautious in refusing to identify the bishop of whom Siricius speaks with Martin (pp. 195, 196). The fact that the pope should allude to the most celebrated of the Gallic bishops is surely not an extraordinary coincidence, but what would be expected. It is odd to speak of a man as having been born 'pendant le règne de Julien, aux environs de 360' (p. 25), since Julian became emperor in November 361.

E. W. B.

Dr. Paul Viard in his *Histoire de la Dime ecclésiastique dans le Royaume de France aux XII^e et XIII^e Siècles* (Paris: Picard, 1912) carries on his excellent summary of the history of tithe in France from 1150, when the Decretum of Gratian was published, to the death of Philippe le Bel in 1313. Unfortunately he has altered the size of his pages, and the second volume does not range with the first, which we reviewed *ante* xxvi. 158. France and England in these centuries are drifting apart in their treatment of tithe, though Normandy, as was to be expected, is nearer to English usage than other French provinces, e.g. the royal courts had an especially strong hold over tithe litigation and the *portio congrua* of the vicar was normally a third of the tithe. But the divergence in other respects is extraordinary. Lay tithe, hardly known in England, is common in France and sanctioned by custom. St. Louis himself, in defiance of canon law, was a tithe-owner, and by a compromise, which was not maintained, all tithe that had been in lay hands before 1179 was regarded as secular property. For later dates Dr. Viard cites instances of tithe entailed, sold, mortgaged, charged with dower, conveyed *per baculum, cum virgulto, per ramum et cespitem*. A transaction even less conceivable in England is the grant of a benefice by a lay patron to a religious house, the consideration being an annual charge on the tithe payable to the grantor and his heirs from the revenues of the living. Tithe was held openly by feudal tenure, the ultimate lord being sometimes a religious house with a mere unprofitable superiority, sometimes a layman. It was natural that the idea of the sacredness of tithe should grow weak in the presence of such facts, and Dr. Viard traces its decay, till, as he points out, tithe was suppressed at the Revolution not as ecclesiastical property but as a feudal right, so completely had it come to be regarded as a mere customary payment. This portion of the history of French tithe is worked out with as much labour and skill as its predecessor.

N.

Mr. Austin Lane Poole has done a service to English students by publishing his Lothian essay, *Henry the Lion* (Oxford: Blackwell, 1912). He has not only mastered the original authorities and acquainted himself with modern controversies in a very difficult field of inquiry, he has also put his material together in a clear and convincing narrative which will be useful to all those who have not the time or opportunity to keep abreast of detailed German criticism. The personality of the great duke of Saxony, his relations with England, his importance as a pioneer in spreading German civilization in the north, and the significance of his fall, are familiar topics. Mr. Poole will give precision and direction to many of our ideas upon these matters, especially upon Henry's achievements among the

Slavs, and upon the legal interest of his fall. The third chapter (pp. 59-81); in which the writer discusses this last point, is of peculiar interest. Mr. Poole seems to us to make out an excellent case in his vigorous defence of Güterbock's interpretation of the famous Gelnhausen document as against the views of Haller, which have been accepted rather too lightly by some scholars (e.g. by Vignier in the *Revue Historique*, 1912, cxi. 109). But the discussion makes one feel increasingly the need of a thorough investigation into the medieval idea of *majestas* in regard to feudal relations, especially in the empire. Mr. Poole and the German scholars whose writings he discusses do not give a clear statement of Henry's case from this general point of view. It would involve wider inquiry than the investigation of the relations between feudal and customary law, and we wish that Mr. Poole would, in the light of his recent studies, turn to examine the writings of the twelfth century, the papal letters, the assizes of Roger of Sicily, and other sources which reveal a clearer conception of *majestas* than can be traced in the procedure and legislation of northern Europe. The discussion of texts and the short bibliography are excellent, but Mr. Poole does not seem to have used Rietschel's article upon the urban policy of Henry in the *Historische Zeitschrift*, 1909, cii. On p. 89 note, *Rot. Normann.* is a misleading reference to the Norman Exchequer Rolls. F. M. P.

The late Achille Luchaire's *Social France at the time of Philip Augustus* (London: John Murray, 1912) has been translated by Dr. Edward Krehbiel. This important book has already been noticed at length in this Review (*ante*, xxv. 564-7), and it is only necessary to call attention to its appearance in a new form. Dr. Krehbiel has added an index, but nothing more. It is a pity that he did not complete the work of the French editor by adding references to the quotations in the text. The translation is so literal that it is frequently painful and sometimes inaccurate (e.g. 'Roman' style of architecture, p. 161), but the unique value of Luchaire's work is even more apparent in English, in which very few books of the kind have ever been written, than it is in the original.

F. M. P.

Father Livarius Oliger, O.F.M., has spared no pains in his (the first) edition of Angelo Clareno's exposition of the rule (*Expositio Regulae Fratrum Minorum, auctore Fr. Angelo Clareno*. Quaracchi, 1912), and is to be congratulated on the result. There is hardly a single reference or quotation which he has not traced to its source; and Angelo, though a Spiritual friar, was a man of learning, well versed in the early fathers and possessing a knowledge of Greek. Unlike Olivi, however, he knew nothing of the writings of scholastics. Angelo entered the order about 1270 (not 1260, as has been hitherto supposed), became leader of the Spirituals in 1307, and died in 1337. The *Expositio* was written between 1318 and 1326, probably between 1321 and 1323. It is characterized by a preference for the first rule over the *Regula Bullata* (Angelo's text of the first rule is the earliest text extant, and in some respects the best), and by constant reference to the words of St. Francis. The testament is considered as binding as the rule, in spite of the declaration of Gregory IX to the con-

trary. The papal explanations are either ignored or condemned. Even such a detail as the limitation by Gregory IX of the number of *custodes* who should attend a general chapter is regretted as an interference with the divinely revealed rule. To the argument that relaxations of the rule were justified in so far as they promoted the practical usefulness of the order as an instrument for the salvation of souls, Angelo answers: 'Male animas aliorum salvat, qui suam dampnat' (p. 54). The *Expositio* throws light incidentally on a number of points, such as the confirmation of the rule in the Lateran council, the history of the revision of the rule, the great chapter at the Portiuncula, the history of the constitutions of the order and of the Franciscan Breviary. And many questions are raised by it concerning the vexed problems of early Franciscan sources. We are glad to note that Father Olier announces a complete edition of Angelo's *Chronica Septem Tribulationum* in the *Analecta Franciscana*.

A. G. L.

The heavy labour of making accessible the patent and close rolls of the long reign of Edward III has been carried a step further by the issue of volumes xi (1358-61), xii (1361-4), and xiii (1364-7) of the *Calendar of Patent Rolls* and volume xiii (1369-74) of the *Calendar of Close Rolls* of that reign (London: H.M. Stationery Office, 1911-12). The text of the former has been prepared by Mr. R. F. Isaacson and that of the latter by Mr. W. H. B. Bird. The indexes of the *Calendar of Patent Rolls*, the work of Mr. Isaacson and Mr. M. C. B. Dawes, are necessarily more exclusively composed of proper names than Mr. Flower's index to the *Calendar of Close Rolls*. In one or two points the patent roll indexers might borrow an improvement from their colleague. The adoption of his 'glossary of uncommon words' would bring together such unusual terms as *maalmen* (*Calendar of Patent Rolls*, xi. 24) and *ishak* (*ibid.*, p. 297), which at present we only come upon by accident. Mr. Flower's practice of grouping entries relating to the royal household, chamber, and wardrobe under the heading 'Edward III' has some advantages over the separate heads for each department found in the indexes of the patent rolls, though it would be well to add cross-references under them. One of the many nice points of indexing is raised by an innovation of Mr. Dawes in the heading 'Friars'. Instead of giving cross-references from the orders to the towns where friars of the particular order are mentioned, as is Mr. Isaacson's practice, he is content with page references. This saves space and also time, if one is looking for all the passages in which the order occurs; on the other hand, a student who is interested in the friars of a single town may have to refer to a dozen pages before he finds what he wants, unless he bethinks himself to turn to the town headings, where the references are of course supplied.

J. T.

In translating from the Dutch L. Penning's *Life and Times of Calvin* (London: Kegan Paul, 1912) the Rev. B. S. Berrington has given to English readers a lively and popular summary of recent research on this subject, of which such a quantity was poured forth at the quater-centenary of the reformer's birth. While in the main reproducing correctly the views of competent scholars—particularly those of Doumergue—the book

is full of minor slips: e.g. the date of Oecolampadius's birth is wrongly given, and Le Fèvre is constantly made twenty years older than he is usually thought to have been. Moreover, the whole picture is extremely partisan. One might endure the continual intervention of Providence and of Satan, the almost miraculous answers to the reformer's prayers, and the angels watching over his grave. We might even pass over the statement that 'Erasmus trembled in the presence of Farel', though many will judge that 'Phallicus' got decidedly the worst of his quarrel with the Rotterdamer. But we must protest against the treatment meted out to Calvin's enemies. It is not fair to say that 'the Scriptures were called by the Sorbonne a pest and a curse', and the attempt to blacken Servetus in order to whiten Calvin is unpleasant reading. Calvin's real virtue, moral earnestness, cannot blind us to the fact that he was, not only exceptionally but in principle and always, thoroughly intolerant. The translation is not well done. Foreign names meet us in a bewildering variety of forms: 'Johannes Calvin', 'Mrs. Calvin', 'Petrus Martyr', 'Hercules and Renata of Ferrara', 'Joanna of Albret' and 'Jeanne d'Albret' and 'Johanna d'Albret', 'Maurits' and 'Maurice' of Saxony, 'Schmal-Kaldic', 'von Bora' and 'de Bore'. 'Demagogue' applied to Calvin (p. 265) does not give the meaning intended; 'blood-witness' is not a good English synonym for 'martyr'. Bucer is described as 'a strange phenomenon' who 'had a bitterly small income'. Guise was stabbed 'in the vulnerable point above the arm-pits'. P. S.

Sir Clements Markham has at last undertaken the task, which was suggested to him half a century ago, of describing *The Conquest of New Granada* (London: Smith, Elder & Co., 1912). The result is a valuable and very interesting little volume of some two hundred pages. If Colombia has not filled such a place in later history as Mexico or Peru, the rising civilization of its people, the Chibchas, has hitherto received less notice than it deserves, while it is claimed for its Spanish conqueror Quesada, that he was 'greater than Pizarro, greater in some respects than Cortes'. The account of the Chibcha religion shows that the much-sought El Dorado, the Golden Man, was 'the hero of a local ceremony in a tarn of the Chibcha mountains'. Sir Clements Markham tells in dramatic fashion how the Chibchas in their inland home were encircled by outposts of the Spanish empire at Santa Martha, at Coro in Venezuela, and at Popayan, an offshoot of Quito in Ecuador. Independent expeditions from each of these places met in the Chibcha country in 1538. The actual discoverer and conqueror, the young barrister Quesada, had been dispatched from Santa Martha in 1536 to explore the great river Magdalena. Unfortunately Quesada, though not naturally cruel, weakly yielded to his followers, who were maddened by their insatiable desire for gold; and the dawning civilization of the Chibchas was annihilated in flames and blood. Quesada named the country New Granada, founded the town of Santa Fé de Bogotá, and returned to Spain to claim the position of governor, while the captains of the three expeditions completed the work of exploiting the hapless natives. Quesada's services, however, were not rewarded; but after ten years he was permitted to return to New Granada. When

nearly seventy years old, he took charge of another exploring party, which plunged into the forests east of the Chibcha country in search of El Dorado and did not return till three years later, having penetrated almost to the Orinoco, and having failed in the main object only because success was impossible. 'This', says Sir Clements Markham, 'is one of the most remarkable journeys on record.' A useful orographical map of the Chibcha country is appended; its value would have been greater had it included a larger area and shown the relative positions of the Spanish posts enveloping the Chibchas. There is a curious mistake in arithmetic on p. 15.

J. M.

The Enthusiasts of Port-Royal (London: Methuen, 1912), by Miss Lilian Rea, is yet another of those popular works (based indiscriminately upon sources secondary for the most part) which have scant interest for the historian. The author attempts to cover a wide field; starting with St. Augustine she explains the origin of Jansenism, and then proceeds to sketch the history of Port-Royal and all connected therewith. Numerous quotations from the works of those authors which have been consulted are introduced into the text, which is supplied with copious footnotes giving further references to the same. The style is discursive, and too often slovenly and colloquial. A bibliography is appended.

C. E. M.

The Massachusetts Historical Society has brought out a new edition of John Bradford's *History of Plymouth Plantation, 1620-1647* (Boston: Houghton, Mifflin Co., 1912), which does final justice to one of the two great New England historical classics. Accompanied by profuse and admirable illustrations, with paper and printing of the best, carefully edited by Mr. Worthington Chauncey Ford, with the assistance of a distinguished committee of publication, this edition comes into the world with all in its favour. The text is here printed in its entirety for the first time. At this time of day it is unnecessary to say anything with regard to Bradford's *History*. The best that can be said about it, indeed, is that it is well worthy of its present stately setting.

H. E. E.

In his biography of *Alexander Henderson the Covenanter* (Edinburgh: Oliphant, Anderson, & Ferrier, 1912) Mr. J. Pringle Thomson has done a serviceable piece of work. The background of the first half of seventeenth-century history is placed before us in due subordination to the career of Henderson, while at the same time his share in the eternal conflict between church and state is shown. In his conduct as moderator of the Glasgow assembly, 1638, he proved he was not unworthy to wear the mantle of John Knox and Andrew Melville.

R. H. M.

The Maison du Cardinal de Richelieu (Paris: Champion, 1912), by M. Deloche, is a voluminous study of the household and its members, expenditure, health, tastes, and so forth of the great cardinal. The whole is a commentary in narrative form upon a document entitled 'Compte pour l'année 1639 de la despense de la maison de monseigneur le Cardinal duc de Richelieu', which is reproduced in an appendix (pp. 495-556).

The manuscript, which is not original but an authentic copy made by one of Richelieu's secretaries, is divided into two parts. The first deals with the monthly expenses of the table, the *grande* and *petite écurie*, and the two companies which were attached to the household; the second sets forth diverse expenses connected, for instance, with the royal ballets, or with the entertainment of the duchess of Savoy at Grenoble. The accounts might be those of any great lord of the period—that is to say, that there is no mention in the register of any of those secret missions upon which Richelieu was wont to dispatch his servants. Silence is preserved, for example, upon the activities in the same year of the *aumônier*, the Scotchman Chambers (known as the Abbé Deschambres), who spent much of his time in this country, perhaps fanning Scottish discontent, as M. Deloche asserts. The latter emphasizes this official character of *le compte*, which he believes to have been destined for the eye of posterity, as other of the innumerable notes and *mémoires* left by Richelieu to explain his ideas and justify his conduct. He finds significance in the date 1639; in this year regular memorials of receipts and expenditure in all departments of state were drawn up for the first time, and probably this list of Richelieu's household expenses (the only one known) was compiled in accordance with the same ideas of regularity, and also as an answer to those assertions made by De Bullion, the superintendent of the finances, and others as to the enormous and unjustifiable expenses of his establishment. If the cost of the *maison militaire* be subtracted from the total expense of 494,476 liv. 6 sols, there remains £391,088 12s. 8d. 'pour l'entretien complet d'une maison de 180 personnes et 140 chevaux ou mulets, sans compter le personnel des Écuries'. This was not inordinate, if we compare the expenses of other noble households of the time, and take into consideration the importance of the cardinal's train and position. M. Deloche makes one grave omission: he does not inform us where the document upon which he bases this bulky volume is to be found. C. E. M.

In his *History of Aurangzib* (Calcutta: Sarkar, 1912) Professor Jadunath Sarkar sets out to give a detailed account of that remarkable emperor. As Aurangzib was appointed to an important post when only sixteen and lived to be nearly ninety, the narrative is necessarily a long one. The present two volumes bring us only to his accession to the throne, and three more are promised, dealing with the events of his reign. The author has been indefatigable in consulting all accessible authorities, many of which are still in manuscript; while his zeal has led him to visit the sites of the more important of Aurangzib's battles: He writes graphically, in an easy, flowing style, and it is only here and there that an odd turn of phrase reminds the reader that the work is written by one who is not an Englishman. Occasionally the language is a little diffuse; and there is a certain amount of repetition, due possibly to the fact that some of the chapters have already appeared in the form of articles. O.

The new edition of the *Works of George Savile, Marquess of Halifax*, which has been prepared by Sir Walter Raleigh, will be appreciated as much for the editor's delightful introductory essay as for anything else in

the volume. Halifax was one of those figures, not inconsiderable in number, who have brought the latter half of the seventeenth century very close to our own age. Like Andrew Marvell and Sir William Temple he had an urbanity and a sanity of view which would be hard to parallel from the first half of the same century. Whatever he wrote—whether he discoursed to his daughter on the amenities of life, whether he made compromise into a creed in a political pamphlet, or whether he combined things personal and political in a portrait of his king—the same practical, kindly good sense always flowed from his pen. Sir Walter Raleigh has brought out these characteristics of Halifax with much charm of style, and by frequent and happy quotations from each of his pamphlets in turn he helps the reader to realize the consistency of Halifax's common sense in all the subjects of which he treated. Nothing better has been written about Halifax than this introduction. In editing the text of a writer like Halifax two courses are possible. We may collate all the various manuscripts and editions and introduce original emendations, where necessary or advisable; or we may take the best existing edition and virtually reprint it. Miss Foxcroft adopted the first method in her edition of Halifax's works. Sir Walter Raleigh has adopted the second. He has based his text on the first collected edition of Halifax's works, published in 1700 under the title of *Miscellanies*, supplying the two tracts omitted from this collection out of the volume in which they appeared in 1750. The inflexions *-eth* or *-th* in the third person singular of the present tense, modernized by Halifax's printers, have been restored, and two certain and important emendations, which Miss Foxcroft made on manuscript authority, have been accepted. Otherwise the text has been almost untouched. The old use of capitals and the old punctuation have been followed, making us wish perhaps that the long *s* had been also used to make the illusion complete. We are not distracted by alternative readings; we are just given a satisfactory text. This method of editing is open to criticism. But, after all, a collection of pamphlets is not a Greek tragedy; and Halifax himself, who took little trouble about seeing his books through the press, would far sooner be reintroduced to the British public in a book that is very pleasant to read than submit to minute textual criticism.

H. F. R. S.

In the *Zeitschrift des Historischen Vereins für Niedersachsen*, lxxvii. 4, Herr R. Geerds, who was the first to disprove the late A. Köcher's assertion as to the spuriousness of the handwritings in the Sophia Dorothea and Königsmarck correspondence at Lund, prints eight letters of the princess, of which the handwriting, though larger than that of her Lund letters, corroborates his conclusions. These new letters, which are preserved in the Wolfenbüttel archives, are addressed to Princess Christina of Öttingen, who, in 1690, married Duke Ludwig Rudolf of Brunswick, and who was the grandmother of Maria Theresa. The Hanoverian princess's outpourings are full of gaiety and *abandon*, and an amusing passage in one of them ought to extinguish finally the mendacious 'legend' that the Electress Sophia from the first hated and persecuted her innocent daughter-in-law.

A. W. W.

Considering the comparative scarcity of the original edition of Samuel Hearne's *Journey from Prince of Wales's Fort in Hudson's Bay to the Northern Ocean in the years 1769, 1770, 1771, and 1772*, it is singular that this well-known narrative should not till now have been reprinted. It was naturally one of the first works on the more western parts of Canada to engage the attention of the Champlain Society, which aims at making the rarer narratives of the kind generally accessible under the editorship of competent experts. With the exception of Mr. J. B. Tyrrell and his brother, no traveller can boast of a personal acquaintance with any large part of the country traversed by Hearne, and Mr. Tyrrell's choice as an editor was obviously the correct one, as is fully borne out by the handsome volume before us (Toronto: The Champlain Society, 1911). Besides supplying a running commentary where needed throughout the narrative, Mr. Tyrrell introduces the text with a judicious sketch of the circumstances surrounding the journeys, and an estimate of the nature and value of Hearne's achievements. Far from possessing the forceful character of Alexander Mackenzie, Hearne is pictured to us as compliant and yielding in his dealings with his native associates; but on the other hand as quietly persevering, and stoically enduring of the many hardships entailed by his journeys. Possessed of much power of observation, a retentive memory, and no mean literary faculty, he left behind a narrative of real value, particularly for the human interest supplied by the careful record of the thoughts and actions of his Indian associates. He did not greatly shine as a geographer, and the increasing inaccuracy of his mapping with the advance north is matter of common knowledge. But Mr. Tyrrell shows that up to a certain point his surveys were passably accurate, and this suggests the conclusion that either the quadrant taken on the third journey was useless, or that it was not used at all. Mr. Tyrrell gives no general discussion of the route, but elucidates the doubtful points as they arise, his own knowledge of the country here standing him in good stead, and permitting him occasionally to rectify the conclusions of former writers. Hearne's text is often vague and inaccurate, but his map sometimes helps to remove difficulties, though as regards the latter part of the return route, much must still be left to conjecture. The book is fully illustrated by reproductions of the original maps and plates and of other early maps, as well as by maps and photographs due to the editor himself. Mr. E. A. Preble's notes on natural history are a valuable addition. E. H.

Lady Younghusband frankly declares that her book (*Marie Antoinette, Her Early Youth*. London: Macmillan, 1912) is intended not for specialists but for those who lack leisure or opportunity for serious study. Tried by this modest standard it must be pronounced to have achieved its purpose. No biography of Marie Antoinette in any language deals so fully with the four years which followed her arrival in Paris. Brushing aside the gossip of Madame Campan and other memoirs, she bases her narrative throughout on the correspondence of the dauphine with her mother and the exhaustive reports of Mercy-Argenteau to his imperial mistress. The character of the young princess emerges unscathed from the microscopic analysis. It is

curious that the bachelor diplomatist should have understood the high-spirited girl far better than her mother, whose continual warnings and scoldings were both unnecessary and wounding. Though the great empress deeply loved her children, their love for her was mixed with awe and almost with fear. The whole work, indeed, is a tribute to the wisdom and tact of Mercy, whose refined and sensitive face looks out from the most interesting portrait in the volume. In defending the Abbé Vermond, whose letters are here first utilized in an English work, Lady Younghusband enters on a more controversial path ; but she brings good evidence for her belief that he was an honest man. The royal sensualist, his dull daughters, and the clumsy dauphin are skilfully drawn, while such interesting figures as Choiseul and Kaunitz, Gustavus of Sweden, and the Comtesse d'Egmont, daughter of the Duc de Richelieu, flit to and fro across the stage. The only canvas in the gallery likely to be challenged is that of Madame du Barry. It would have been well to mention, even if she felt unable to adopt, the conclusions reached in Claude Saint-André's striking biography, which dismissed the traditional portrait as the creation of the Choiseul clique and substituted a figure by no means destitute of sympathy* and charm. The story ends in 1774, when the young princess, at the age of nineteen, without a real friend and without political education, became queen of France. Though the book is somewhat discursive and contains nothing that will be new to scholars, it provides a convenient summary of the sources and is greatly superior in scholarship to most of the biographies of French heroes and heroines with which our lending libraries are stocked.

G. P. G.

Mr. C. T. Atkinson has contributed an excellent preface and most able notes to his edition of *A Curtail'd Memoir of Incidents and Occurrences in the Life of John Surman Carden, Vice-Admiral in the British Navy* (Oxford : Clarendon Press, 1912). Carden wrote this autobiography in 1850 and died in 1858, but he belonged essentially to the era of the great French war, and his work gives interesting sidelights on its naval events. At the amazing age of nine he served in the American war, and was present at the battle of Guildford Courthouse, where his father and brother were killed. He fought subsequently in every part of the world, closing his days of warfare as the unlucky commander of the frigate *Macedonian*, which was lost in a duel with the *United States* in 1812. Carden's account of his defeat modifies in some respects the version of Mr. Roosevelt. His crew was not equal to that of the American ship, which was, he says, manned entirely by 'British seamen who had been trained up under our greatest naval chiefs'. The moral to be drawn from such disasters was to give better conditions to our sailors, who 'by their peculiar valour brought their nation of islands to its present state of greatness', and did not deserve to be driven by ill-treatment to desert to America, 'where the same blood flows and the same impressive language is spoken.' In style, as in character, Carden had an Elizabethan simplicity, and his views on the 'awful subject' of Roman catholic emancipation reflected the robust protestantism of his sixteenth-century compeers. G. B. H.

The Personality of Napoleon (London : Bell, 1912) reprints the long-drawn panegyric, in which Dr. J. Holland Rose's final judgement on his hero was expressed to audiences at Boston in March 1912. He confirms the view, well established by his own previous works, that the decline of Napoleon's genius as a warrior was due to the growth of megalomania after 1807, and not to failing health. His admiration of Napoleon's aptitude as a lawgiver is unstinted. He suggests that the conquest of Spain was intended in 1808 to be 'a prelude to the conquest of Sicily, which in turn would help on the partition of the Turkish empire and the conquest of Egypt'. The reader who finds Dr. Rose's illustrations of Napoleon's characteristics too copious and crowded, should console himself with the knowledge that he is reading, after all, the work of a master of his subject. The book is not without suggestive and debatable epigrams : 'As a lawgiver, Bonaparte First Consul was far greater than Napoleon Emperor.' 'Napoleon won as much by diplomacy as by war.' 'Trafalgar made impossible the rôle of Alexander the Great ; but Austerlitz placed in his hands the sceptre of Charlemagne.' P.

There is much to be said for the view that it takes a very good historian to write a good historical bibliography. Something indeed may always be learned from a catalogue so learned and elaborate as that which M. Frédéric M. Kircheisen is in the course of publishing on the Napoleonic age (*Bibliographie du Temps de Napoléon comprenant l'Histoire des États-Unis*, i. Paris : Champion, 1912), but we cannot regard the author as an historian, or his plan of operations as supremely happy. From one point of view he tells us too little, and from another point of view he tells us too much. He gives us long lists of books (not always the best) on Beethoven and Robert Burns and Lord Byron and Mrs. Edgeworth, records the recent supplements to the *Dictionary of National Biography* and Campbell's *Lives of the Lord Chancellors*, Mr. Marriott's biography of *Canning*, and Mr. Hall Caine's *Life of S. T. Coleridge* ; but on the other hand he disposes of Joseph Bonaparte without a reference to the Peninsular war literature, fails to supplement the memoirs of Beugnot by Schmid's *Grand-duché de Berg*, and considers ten titles sufficient for the whole legislative side of Napoleon's activity. Even in his strongest sections we notice here and there a gap. Thus the *Memoranda of Conversations with Napoleon* (St. Helena, 1816), by Captain Henry Meynell (Guildford : A. C. Curtis, 1909), is not entered in the St. Helena list, but since no bibliography can be complete we make no special complaint of this. The real gravamen against M. Kircheisen is that he fails to distinguish between the value of the authorities cited, that he inserts a great number of indifferent or worthless books, and that his material is often arranged under headings (e.g. 'Einzelheiten') which are not very helpful to the inquirer. Indeed, we would willingly have dispensed with the excellent lists of translations to obtain a few critical remarks upon the authorities, good, bad, and indifferent, which form the subject-matter of M. Kircheisen's meritorious catalogue.

H. A. L. F.

It is not surprising that the publication of Gentz's correspondence now in progress should have led to a more connected study of his life and writings than had of late been devoted to them. Dr. Paul F. Reiff's *Friedrich Gentz, an Opponent of the French Revolution and Napoleon* (University of Illinois Studies in the Social Sciences, 1912), as the title of the essay implies, treats of the great publicist mainly in the earlier and what, all historical or political sentiment apart, may be described as the nobler portion of his career. Though by no means furnishing an exhaustive account of the very important part played by Gentz's pen in the struggle against Napoleon, or even of the changes through which his judgement of the arch-foe of European liberty passed, this section of the essay is well worth reading, and many students will be glad to find some account of works so much talked of and so little read as the *Fragments from the most Recent History of the Balance of Power in Europe*. The earlier sections contain less that is of interest; but the demonstration of Gentz's indebtedness as a political philosopher to Cicero *de Officiis* is, so far as it goes, convincing. Is it quite correct, by the way, to speak of Gentz at the outset as a *diplomatic agent* of England? A *political agent* of hers he certainly was. A. W. W.

The Illness and Death of Napoleon (London: Hirschfeld, 1913) is treated of by Dr. Arnold Chaplin in a short monograph of 112 pages. It is a revision of the clinical symptoms as they are found stated in the reports contained in the Lowe papers in the British Museum, and of the reports of the autopsy submitted by the British medical officers and Antommarchi. These form the chief source of evidence, and have been used by Dr. Chaplin as the primary documents, while all histories, diaries, and so forth, published after Napoleon's death, are treated as secondary evidence, untrustworthy unless corroborative evidence can be adduced in their support. Dr. Chaplin has therefore taken his stand on as secure ground as an historian can, and he has shown praiseworthy scepticism in his dissection of the evidence. It is no bad thing to go over old theories in the light of modern knowledge, even if, as in this case, they lead to no new result. Napoleon died, says Dr. Chaplin, of a cancer in the stomach following upon a chronic ulcer in that organ, induced perhaps by carious teeth; for the view so loudly proclaimed by the French, that he suffered from hepatitis, no evidence can be adduced from the post-mortem examination, and though it was a natural diagnosis when first the symptoms appeared, in September 1817, the continuance of the symptoms should have led O'Meara to revise his diagnosis, and to have 'looked to the upper part of the alimentary tract as the seat of the malady'. Dr. Chaplin adds an appendix consisting of a short collection of biographies of the doctors, another destroying any lingering faith that may remain as to the authenticity of the Napoleon relics in the College of Surgeons, and a third giving a translation of Guillard's account of the exhumation of Napoleon in 1840. Altogether, Dr. Chaplin's work is a valuable contribution to history, based on sound judgement, and calculated to lay to rest any qualms that might linger in British minds as to the effect of the climate of St. Helena upon the general health of the emperor. Q.

The earlier part of the selections from the late queen's diaries, published as *The Girlhood of Queen Victoria, 1832-1840* (2 vols., London: John Murray, 1912), is not so interesting as that which belongs to the period between her accession and her marriage. It gives us, indeed, a picture of an innocent and happy youth spent under the constant care of a mother, a sensible and conscientious woman, though of narrow ideas, who devoted herself to fitting her daughter for the duties of her after-life. Of the two drawbacks to the young princess's happiness, the presence in her mother's household of Sir John Conroy, whom she disliked, and the troubles between the king and the duchess, there is no mention in the diaries, though they are noticed in the introduction to these volumes. As before her accession her diaries were open to the inspection of her mother and her governess, they have more of the nature of an educational exercise than of a voluntary record. That the close supervision under which she grew up became irksome to her may, perhaps, be inferred from the emphasis with which, after her accession, the queen dwells on her duty of seeing her ministers alone. A signal instance of the courage and strength of will of this queen of nineteen years will be found in her account of the bedchamber question. Happily for herself and her people she generally yielded to the guidance of that 'good, honest, kind-hearted, and clever man', Lord Melbourne. How wisely and with what self-devotion he trained her worthily to play her part as a sovereign is exhibited here incidentally with greater force than in any previous work. Yet it is abundantly evident that there was a risk that the affection and gratitude with which she regarded her first minister might lead her into such confirmed partisanship as would impair her own authority and endanger the welfare of her kingdom. Melbourne tried to counteract this tendency by speaking well of his political opponents to her: he was not altogether successful, but after her marriage all danger of that sort passed away. His conversations with her on his difficulties with his colleagues in the cabinet and his varying prospects of support in parliament, while they do not add anything material to our knowledge, bring out the personal side of these matters with especial clearness. Certainly not less attractive than the record of these serious conversations is the information that the diaries afford us as to the thoughts, prejudices, and habits of the highest class of society at a time immediately preceding our own. Lord Esher has admirably performed his task as editor: his general introduction is thoughtful and pleasantly written, his short prefaces to the chapters into which the diaries are divided prepare the reader to find what is most noteworthy in each of them, his footnotes are concise and sufficient, and the discretion which he has used in selection is unimpeachable. W. H.

The first volume of the *Briefe Heinrichs von Treitschke* (Leipzig: Hirzel, 1912) ends with the year 1858. It was in this year, memorable in Prussian history for the beginning of the regency of the future emperor William I, that Treitschke qualified himself by a dissertation on social science for the profession of academical teacher, of which in his country he was to become a chief ornament, and that he first contributed to the *Preussische Jahrbücher*, which his essays and editorship were to raise to a high rank in European journalism. Thus, ample as are its dimensions,

the present volume only shows us the ardent politician and the brilliant historian in germ, and its value is mainly biographical only. But Treitschke's personality was in itself so remarkable, that a study of its genesis and earlier development in the light of his own familiar deliveries will commend itself to a large number of readers. That he was a good lover and a good hater is well known to any one who knows anything at all about him. Here we see how strong was the bond of affection which united him to his father, from whom he gradually came to differ *toto caelo* not only in his political but also in his religious ideas, but to whom he was always justly grateful and genuinely dutiful, while at the same time perfectly sincere. He was a warm friend, though even in his friends he could not away with what he considered scholarly pedantry (as in A. von Gutschmid) or excess of eloquence (as in his eminent fellow politician and historian Aegidi), or with other defects or excesses obvious to his penetrating eye. His hatreds were of slower growth, and, in the main, the result of conviction rather than passion. Above all, they directed against 'particularism' in every form and shape, more especially in the most palpable one of servility to a dynasty of ancient standing, but impaired political energy. In this volume we may trace, almost year by year, the growth of that deep dislike of small-state patriotism, which Treitschke made no attempt to reconcile with his Saxon descent and highly respectable family associations, and which was intensified by a personal prejudice against Leipzig, at whose illustrious, but in his days somewhat quiescent, university he 'habilitated'. What will be news to many English readers of Treitschke is that he long inclined to poetical rather than historical composition as the main subject of his intellectual labours, and that he published two volumes of verse—one patriotic and the other miscellaneous—before he became a university *docent* of historical science. Clear-sighted at all times, he recognized almost from the first that his poetic gifts were dramatic or epical rather than lyric; but he was relatively slow in perceiving to what main account he was permanently to turn more especially the first-named of these talents. The entire picture of the strong man learning the secret of his strength, which the writer of these letters unconsciously paints for us, is singularly impressive, and not obscured by the length or by the elaborateness of the self-revelations. Into the evolution of Treitschke's political views this volume could of course only very partially enable us to enter; and within its limits the historian proper seems hardly to have dawned even upon himself. The story, so far as it goes, is not without its pathetic feature. Treitschke's deafness was the chief trial of his youth, and his long struggle against this great trouble the noblest self-assertion of the manliness which was the dominant element in his character.

A. W. W.

The first volume of M. Paul Matter's *Bismarck et son Temps*, which we noticed in 1906 (vol. xxi. 182 f.), has appeared in a new and revised edition (Paris: Alcan, 1912).

R.

It cannot be said with truth that volume vi of the diplomatic records published by the French Foreign Office in illustration of the course of

events leading up to the Franco-German War (*Les Origines Diplomatiques de la Guerre de 1870-1871*. Paris: Ficker, 1912), which covers the period from 1 March to 31 August 1865, carries the story no further; for it actually reaches the convention of Gastein, and concludes with a chorus of comments representing the disappointment of the lesser German states, the platonic indignation of M. Drouyn de Lhuys, and the weariness of Lord Russell, who (writes the French *chargé d'affaires* at the court of St. James's) is above all desirous 'd'échapper à une question dans laquelle il n'a figuré avec distinction ni devant l'Angleterre ni devant l'Europe'. During the five months, or thereabouts, which had intervened between the ominous step taken by Prussia in ordering the transfer of her naval establishment of both men and material from Danzig to Kiel, and the convention which in one of its articles recognized the latter port as a federal harbour of war, French intervention practically confined itself to the maintenance of the very sound, but somewhat vague, principle that populations should be consulted in the determination of their destinies. Bismarck treated this principle with much politeness; but when his negotiations with Austria had reached the point of an agreement between the two powers who exercised the *condominium* over the duchies to convoke their respective diets, it was found impossible to settle whether they should be assembled according to the system of 1848, or according to that of 1854. The North Schleswig grievance of course had to wait, and no mention was made of either the one or the other question in the Gastein compact. Of Austria's Italian fears we hear little in this volume, or indeed of any problems of the present or the future except the development of Austro-Prussian relations on the absorbing question of the duchies. The idea of a secret treaty between France and Holland for the partition of Belgium is denounced by Drouyn de Lhuys as a vision of Prussian diplomats. Among episodes incidentally mentioned are the Heltzen scandal at Copenhagen and Bismarck's quarrel with Count von der Goltz, who, according to Benedetti, was ambitious of becoming the great minister's successor. Benedetti's own dispatches, unlike those of some of his colleagues, are marked by insight and, generally, by good sense; on the other hand, it must be allowed that these qualities also mark the dispatches of Gramont, and here are touched up with a pleasant vivacity. But he had lesser men than Bismarck to deal with at Vienna, though he held his own in an interview with him at Carlsbad (a little before Gastein): 'Quant à moi,' he writes on this occasion, 'je ne le connais pas assez pour savoir s'il dit plus qu'il ne pense ou pense plus qu'il ne dit, ce qui serait fort difficile.' Beust (amply reported by Baron Forth-Rouen) and von der Pfordten are still to the front in this volume; the bravado of the latter, just about the time of the conclusion of the humiliating convention, is almost painful. Readers of Sybel may find it worth while to compare a few passages in his text with some of the notes referring to them in the present collection, which is edited with accuracy, and which accordingly can afford to append a note of admiration to M. Drouyn de Lhuys's repetition of the rumour that Austria was to be compensated for her share in the duchies by the cession of the two Hohenzollern principalities and *la ville de Brisgau*.

A. W. W.

Dr. O. Schneider in his book on *Bismarck's Finanz- und Wirtschaftspolitik, eine Darstellung seiner volkswirtschaftlichen Anschauungen* (Schmoller & Sering's *Staats- und sozialwissenschaftliche Forschungen*, Heft 166) has not definitely taken up either of the two lines of inquiry which might have suited his subject. Though Bismarck himself admitted that there was no 'system' in his economic policy (p. 135), it would have been worth while to attempt an estimate of the real motives, whether his own or other people's, which led to its development. The author has not done this, and so far his sub-title would hardly seem to be justified. While inserting long quotations from parliamentary speeches and newspaper discussions on matters in which there has always been very little tendency (and least of all with the chancellor himself) to speak out, he slurs over important incidents, such as the first appearance of the idea of social reform as an imperial task (p. 190), and consequently fails to see, or at least to appreciate, the only reality underlying the Protean schemes of financial settlement in Prussia and the Empire, namely Bismarck's wish, under pretence of momentary needs, to give to both the governments which he controlled means unlimited by parliamentary grants. On the other hand Dr. Schneider has given a useful compendium of the chief economic questions during his period (above all of the literature concerning them), though here again he has abstained from bringing out the facts, as distinguished from opinions, in the economic history of the empire during its first two decades. The author's partisanship in dealing with the liberal finance ministers, whom Bismarck was obliged to keep till he could do without them, becomes especially marked in the case of Bitter, to whom, after all, are due the first steps towards the later successful reform of taxation in Prussia, a reform essentially opposed to all Bismarck's plans for indirect taxation and monopolies. Thus it is natural that even the crudest economic statements of the German protectionist movement are taken for granted, that e.g. the development of the iron industry is explained as due to the newly-established customs, or Bismarck's curious argument (p. 151) accepted, that the differences in the prices of corn in the more or less industrial states are responsible for the inequality in their 'happiness'.

C. B.

Major-General Sir Alfred Turner's *Sixty Years of a Soldier's Life* (London: Methuen, 1912) contains interesting sidelights on the Egyptian war and on Irish affairs between 1885 and 1892. Although the author acted as chief commissioner in Kerry and Clare during some of the darkest years of the Parnellite agitation, he was a Gladstonian Home Ruler and a man of much individuality in his views on Irish questions. Sir Alfred Turner in later years did good work at the war office and in the cause of Anglo-German friendship, and his memoirs will be of service to the historian of our own times.

G. B. H.

Mr. F. S. Stevenson has rendered many services to the eastern Christians, and not the least is his excellent little *History of Montenegro* (London: Jarrold, s.a.). Originally composed about 1884, the year of Mr. Carr's essay on Montenegro, it is largely based upon the Servian and Venetian

documents published down to that date, and has had no further addition except a supplementary chapter, containing the latest events. Consequently it has not been enriched by the materials which have been accumulated since then, such as the later volumes of the *Monumenta spectantia Historiam Slavorum meridionalium* and of the *Libri Reformationum*, the valuable monographs of Professor Gelcich on the Zeta under the house of Balša and of Miklosich on the dynasty of Crnojević, the complete edition of Sanuto's diaries, and the Venetian reports on Montenegro between 1687 and 1735, published on the occasion of the present king of Italy's wedding. Nevertheless, it is a singularly clear and statesmanlike survey of a fascinating subject. The author justly remarks that 'the movements in the Balkan peninsula . . . at the present time . . . represent a concerted effort to resume . . . the threads of national life and history at the point at which they were interrupted by the Turkish conquests'; and he considers 'the ultimate solution of the Eastern Question' to be 'some form of confederation' without, however, merging Montenegro in Serbia. He adduces geographical, tribal, and historical arguments to prove that Albanian unity is impossible, and he instances the co-operation of Ivan Crnojević with Skanderbeg (himself of Servian origin) and the close relations of Serbs and Albanians under the common sway of the Balša dynasty as signs that Montenegrins and Shkipetars need not be always enemies. On the other hand, the contemporary account of Serbia in 1332 represents the Albanians as a hostile and oppressed element of the Servian kingdom.¹ Passing from these political speculations to statements of fact, we find a few errors. Professor Jireček has pointed out that the *zadruga* is no longer, as Mr. Stevenson states (pp. 17, 207), a common institution, and that Stephen Uroš V survived, and was therefore not murdered by, Vlkasín (p. 37). As was shown in this Review,² Stephen Crnojević was not 'the son of Radič Crnoje' but of George Jurašević; and the name of Crnagora occurs as early as 1362. The widow of the last king of Bosnia (p. 89) became the wife of a Turkish official; Sophia, who married Ivan III, was not a 'supposed' but a very real 'descendant of the Palaeologi' (p. 142), being a daughter of the Despot Thomas; Žiča is not identical with Užice (p. 135); and Doclea, as Mr. Munro³ has shown, was not (p. 30) 'the birthplace of Diocletian'. The book contains an excellent frontispiece of King Nicholas.

W. M.

In his *Zur Geschichte der englischen und amerikanischen Vermögenssteuern* (Leipzig: Duncker & Humblot, 1912) Dr. Bruno Moll is concerned primarily with *Vermögenssteuerbegriffe*, and, so far as England is concerned, entirely with the middle ages and early modern times. His thesis is that the income tax proper is a strictly modern product, and that the term ought not to be applied to any of the earlier classes of taxation. An Englishman may be forgiven for not being greatly interested in his controversies with previous German historians of our national finance, the more so as his conclusions about the Saladin Tithe, the Tenth and

¹ *Recueil des Historiens des Croisades, Documents arméniens*, ii. 484.

² *Ante*, xxv. 309.

³ *Archaeologia*, lv. 47-51.

Fifteenth, and the Subsidy—though stated with an emphasis which suggests that they are, or are held to be, novel in Germany—seem somewhat familiar. They really come to this: that when English governments tried to tax *redditus et mobilia*, or the yearly worth of lands plus the total worth of movables, they meant what they said. Dr. Moll criticizes Dowell and others for not emphasizing the fact that two principles were here involved—the *Rentenprinzip* and the *Kapitalprinzip*. Perhaps Dowell overlooked the fact, or perhaps he thought it too plainly written on the face of the documents to call for special comment. There is, however, an interesting difference of opinion between Dr. Moll and Professor Seligman and others about the taxes of 1435 and 1450. Professor Seligman calls them 'sporadic examples' of a 'general income tax', and it appears that German historians have written more emphatically in the same sense. Dr. Moll argues that, although the tax of 1435 was intended to hit—besides rents of land—incomes from annuities and offices, and although the tax of 1450 was intended to hit in addition 'wages, fee or fees, terme of yerres, or otherwyse than of th' estate of freehold, to the yerely value of xl̄s', yet neither was aimed at incomes in general. He believes that some historians have been misled by the occurrence of the words 'profites or commodities' in the ordinance of 1450 into supposing that business incomes are included; whereas the context of the words indicates that they are governed by the phrase 'havyng soole estate of freehold . . . in', and so are merely a lawyer's pleonasm. Whether or not it is a serious matter that these imposts should be called income taxes or embryonic income taxes seems comparatively unimportant; but on the whole we think that Dr. Moll's protest against the anachronism involved in such descriptions is justifiable. It is perhaps best to group them with the rest of the taxes discussed by him under Professor Seligman's category of 'taxes on property and produce'. The American section of the book 'will ausschliesslich die Entwicklung der Vermögenssteuerbegriffe schildern'. It deals in turn with the underlying concepts of the varied and curious property taxes of the original states of the union, and contains fine points of interest too varied for summary description. It is based mainly on American monographs. From a critical analysis there emerges the conclusion that 'der Einkommensgedanke war eben in den amerikanischen Staaten des 18. Jahrhunderts nur latent vorhanden', a conclusion which fortifies Dr. Moll's view that the 'Income idea', based as it is on a highly developed average economic intelligence for which translations of income into capital values and *vice versa* are matters of daily occurrence, should not be credited lightly to the middle ages.

J. H. C.

In the Massachusetts Historical Society's *Proceedings* for October 1912 Mr. C. F. Adams continues his illuminating and trenchant examination of the diplomatic history of the American civil war. His article on 'The Negotiation of 1861 relating to the Declaration of Paris of 1856' (reprinted under the title 'Seward and the Declaration of Paris, a forgotten diplomatic Episode', Boston, 1912) is in effect an indictment of the latter statesman's policy; whilst incidentally Lord John Russell's *bona fides* is upheld. Mr. Adams clearly shows that privateering, within the meaning of the

Declaration of Paris, became of little use, owing to the supplanting of wind by steam, as the essential factor in naval operations. The ports of the confederate states were closed, by means of a blockade; and neutral ports were rendered useless, by the rule forbidding prizes to be brought into them. Nevertheless, neither Jefferson Davis nor Seward realized the altered condition of affairs. The federal government persisted in treating the southern states as mere rebels. Seward therefore proposed, by assenting to the stipulations of the treaty of Paris, to force the neutral powers to treat the confederate ships as mere pirates, 'thus reducing them to the class of criminals or outlaws—as such to be summarily dealt with.' If the powers refused, the full force of American privateering might be brought against them. 'It was but necessary for the United States, as representative of democracy, to raise its hand to cause . . . "the world to be wrapped in fire".'

He wished to do, and yet not to do. He wanted to commit the insurgents as included in the sovereignty of the United States, but not to commit the United States, in case of hostilities with European Powers growing out of the present complications. He could not bring himself to admit that a blockade conducted under the rules of international law was impossible, except as an act of belligerency, and that belligerency implied two parties to it. . . . In other words, so far as accession to the Treaty of Paris was concerned, Mr. Seward, during the period in question, seems mentally to have exerted himself to the extent of self-persuasion that the conflict in which the country was engaged was a war, so far as the United States was concerned, and a war or not a war, so far as the Foreign Powers were concerned, as the interest of the United States might dictate.

In the November number is printed a letter from Canning to Vaughan, 8 February 1826 (F. O. America 209, vol. x), some sentences of which are of importance as illustrating Canning's attitude towards the Monroe doctrine.

The general maxim that our interests and those of the United States are essentially the same, &c., &c., is one that cannot be too readily admitted, when put forward by the United States.

But we must not be the dupes of this conventional language of courtesy. The avowed pretension of the United States to put themselves at the head of the confederacy of all the Americans, and to sway that confederacy against Europe (Great Britain included), is *not* a pretension identified with our interests, or one that we can countenance as tolerable. It is, however, a pretension which there is no use in contesting in the abstract; but we must not say anything which seems to admit the principle.

H. E. E.

Some delay has occurred in the publication of Professor C. M. Andrews's *Guide to the Materials for American History to 1783, in the Public Record Office of Great Britain* (Carnegie Institution of Washington, Washington D.C., 1912), owing to the rearrangement of papers in the Record Office; but volume i, 'The State Papers,' has now been issued. Although his book is a guide, not a calendar, it is assuredly much more than a mere catalogue of entries. By means of its prefaces and commentaries it serves as an excellent introduction to the system of British administration, especially in the eighteenth century. A very useful appendix contains a list of papers under the old references with their equivalents in the new system. Mr. Andrews gives an interesting account of the plantation office, its

different abodes, its establishment and internal arrangements. The four periods through which the board of trade passed are clearly described, as are the arrangements made after its dissolution. Though the accounts of the papers are of necessity brief, they are sufficient to help an inquirer in his search for special knowledge. It is curious to find that letters are still shut out from public inspection at the record office which may be studied without hindrance at the British Museum. Mr. Andrews, in a valuable appendix, describes fully the proceedings in the passage of a patent through the seals. Dr. J. Franklin Jameson, the director of the historical department of the Carnegie Institution of Research, expresses, on behalf of American historical students, the cordial thanks of the department to the British officials who have helped in the production of this volume; the thanks of students, British no less than American, are still more due to the department itself which has undertaken this work, and especially to its most capable and careful editor.

H. E. E.

In his *History of the Jews in America* (New York: The Jewish Press Publishing Co., 1912) Mr. P. Wiernik aims at reaching the ordinary reader, avoiding 'original investigations and learned disquisitions'. The volume well fulfils its author's intentions, though the non-Jewish reader would gladly exchange a mass of biographical details (with portraits) of modern worthies for more information about the Jews in the seventeenth century in Brazil and Surinam.

H. E. E.

The Cathedrals of England and Wales, by Mr. Francis Bond (London Batsford, [1912]), is a fourth edition of his *English Cathedrals Illustrated*, which first appeared in 1899. Though the small size of the book makes it impossible to show much detail, the numerous illustrations from photographs will be found very helpful to the reader, and the insertion of ground-plans drawn to a uniform scale is a valuable feature of the new edition; but it is a pity that some of the latter represent an obsolete state of things. Thus both at Chichester and Hereford the lady chapel is marked as the library.

S.

The subject of the medieval castles of England and Wales is one that has of late received considerable attention. Mr. A. Hamilton Thompson's monograph upon the subject (*Military Architecture in England during the Middle Ages*, London: Frowde, 1912) is compressed into less than four hundred pages, and copiously illustrated, yet it contains a wealth of detail that could easily have been expanded into a much longer work. The author traces the development of military architecture in England from the earliest form of earthwork to the fifteenth-century dwelling-house, in which defence ceased to be the primary consideration. Every stage in the development of the castle and every variety of plan produced by medieval architects is exemplified by well-chosen instances; and the writer's knowledge of his material is exceptionally wide. He is able, besides, to draw upon France for analogies and for the models from which English castle-builders drew their inspiration. The book is too full of detail to justify criticism of details. Its author is not writing a guide to

English castles, but a history of military architecture; yet the work might usefully be taken as a guide to many of the castles described in it. At the worst the descriptions are too brief to be readily apprehended; the book cannot be read cursorily, and, in concentrating attention upon individual instances, it is perhaps easy to forget the type. For that the complex nature of the subject is to blame. Every castle has an individuality of its own, not to be grasped without taking into consideration its general plan; and it is consequently difficult, if not impossible, to isolate particular architectural features in a fortress and take them as illustrative of a certain phase in military architecture. It must be remembered, too, that development in military architecture is, more than anything else, a development of the ground-plan; and as the ground-plan is almost invariably affected by local considerations, the varieties of any one type of castle are as numerous as the instances of it. The least satisfactory part of the book is the opening chapter, in which Mr. Hamilton Thompson devotes twenty pages to early earthworks and Roman stations. The subject is too scantily dealt with to justify its inclusion; and the influence of the British earthwork and Roman fort upon the castle of later times is sufficiently negligible to have warranted their omission. Little is gained from an account of Roman stations which describes the stone fort and omits all mention of the earthwork. The book is plentifully illustrated with photographs and drawings (the latter the work of Mrs. Hamilton Thompson), and is provided with at least as many plans as could reasonably be expected. H. H. E. C.

M. J. Loth's pamphlet, *Contributions à l'Étude des Romans de la Table Ronde* (Paris: Champion, 1912), consists of seven essays, all full of interest for students of Arthurian legend and of Celtic philology. The sixth essay, which proves that the source from which the extant form of the Tristan story is derived was composed in Cornwall, contains several novel and convincing identifications of localities mentioned in the story with places in Cornwall and the adjacent regions. The documentary evidence cited in support of these identifications forms a useful contribution to Cornish local history. T.

In her *Liber Luciani de Laude Cestrie* (Lancashire and Cheshire Record Society, 1912) Miss M. V. Taylor has done a useful piece of work in a very competent fashion. The author of the Praise of Chester is, after William FitzStephen, the earliest English writer of a topographical description of a town. As FitzStephen makes his description of London an introduction to his biography of that eminent Londoner, St. Thomas of Canterbury, so Lucianus ekes out his description of Chester with an immense amount of hortatory matter, so that it is in effect a guide-book broken up into fragments by long courses of sermons. Those interested in the workings of the medieval mind would perhaps have preferred Miss Taylor to have printed the book as a whole, but she has given us not only the part about Chester but enough of the rest to give us a shrewd notion of the dreary wastes which she is contented with abridging. With all its irrelevancies, the account of Chester is a real addition to our knowledge. The annota-

tions, the marginal summary, the index, and the introduction, are all well done, as is the short list of annotated Chester *obits* which is appended to the main work. There are very few slips, such as the translation of *panis siligineus*, which should be 'rye bread'. The appendix, on pp. 75-8, gives an ingenious explanation of some difficult notes written in an almost contemporary hand to the text. It cannot, however, be said to be convincing, since no reasons are given why a monk of a Chester convent should be wandering about in Holy Week against all rule in the south of England. Mr. W. H. Stevenson, however, is of opinion that the readings 'Novio[magus]' and 'Ventona', on which the theory of the Sussex and Hampshire Lenten trip are based, are more probably to be interpreted as 'Neuto' and 'Neutona'. In that case we need not seek in Chichester and Winchester the modern equivalent of these localities, but rather places close to Chester. Thus the modern equivalent of both forms is just 'Newton', and there is, Professor Tait has observed, a Newton within the parish of St. Oswald's, Chester. Other local identifications are also not impossible, so that we might well reduce our monk's wanderings to his immediate vicinity. All this, however, must be conjectural. It seems unlikely that the 'Gregorius' of p. 67 is Gregory the Great, unless this particular part has been copied from a much earlier work. A few infelicities in the marginal analysis, such as 'peers of the realm' on p. 62, and 'the Madonna', are hardly worth criticizing. Perhaps Miss Taylor has been a little austere in abridging the curious summary of the duties of a sub-prior, and the interesting comparison between the clerk and the monk. Speaking generally, however, the book is a scholarly and practical addition to the valuable series of which it forms part.

T. F. T.

The eighth volume of the new series of *Archaeologia Aeliana* (Society of Antiquaries of Newcastle-upon-Tyne), edited by Mr. R. Blair (Newcastle-upon-Tyne, 1912), contains, besides the usual report and accounts, three shorter articles, a brief note, and an obituary notice of Mr. J. P. Gibson, F.S.A., a vice-president of the society, with his portrait. Of these articles the most interesting is the careful description of a case of wardship in tenure by socage, by Dr. F. W. Dendy. This is drawn from the Tynemouth cartulary, and is connected with the township of Welton; there are illustrations of Welton Pele in 1883, and of Corbridge Church and Vicar's Pele. The bulk of the volume is divided between Dr. Greenwell's 'Catalogue of Durham Seals' and the 'Report on the Excavations at Corstopitum for 1911'. The former is again illustrated by numerous blocks in the text, and nine full-page plates of the more interesting examples, roughly classified; it is easy to refer from these to the text, but still rather difficult to find the illustrations from the catalogue. This instalment covers 737 private seals from *Eboracum* to *Laton*, and includes, besides well-known Durham names, such as Elvet, Eure, Fery, Fishburn, Greystanes, Greenwell, Heron, Kellawe, &c., many specimens from other parts of England; the seals of Thomas, earl of Kent (no. 1489) and Philippa of Lancaster (no. 1536) are of special interest. There are also good instances of punning legends (no. 917), the use of the arms of patrons (no. 918), ingenious designs (no. 972), canting badges (no. 1057),

gems (nos. 1076, 1294), St. Cuthbert's eider-ducks (no. 1335), and other curiosities. The report on the Corbridge finds is even more notable as including a full account of the memorable hoard of 160 gold coins found in a decayed bronze jug, which was probably dropped by the owner in hurried flight about A.D. 162. These are figured, all except a few duplicates, on eight remarkably fine plates, a glance at which enables one to appreciate Mr. Craster's theory that it is a combination of two hoards, one closed not later than the beginning of the reign of Domitian, and the other consisting for the most part of newly-minted and interesting pieces ranging from Trajan to Antoninus Pius. It may be pointed out, in addition, that in the second and more interesting collection the pace of accumulation diminished between the reigns of Trajan and Hadrian, and fell off still more rapidly afterwards. It is hardly likely that any official chest would have contained so few duplicates and so many perfect specimens; and it is difficult to suppose that any private resident at Corstopitum would have possessed so large a hoard. Perhaps it is a banker's reserve fund, the second and larger half of it saved on a system by a man with some eye for the artistic and historical interest as well as for the condition of his *aurei*. The list of these and of the other coins found is all that can be desired; but Mr. J. P. Bushe-Fox's description with reconstructions of the fragments of pottery is even more elaborate and instructive. It is amply illustrated; and there are also good figures of some fine carved slabs, monuments, and other sculptured objects; and an account of roads or streets connected with the Stanegate and Dere Street. All the evidence obtained in 1911 continues to indicate that in the very last years of Antoninus Pius some disaster befell the town which caused its abandonment.

H. E. D. B.

ERRATUM IN THE JANUARY NUMBER.

p. 63 lines 12, 13, *in place of* At Newark *read* For the county of Norfolk.

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The Anglo-Saxon Laws

PROFESSOR LIEBERMANN has not entirely completed the publication of his studies on the Anglo-Saxon laws. We still await a third volume, containing introductory essays and the long-promised notes to his translations. But the first volume presents the text of the whole *corpus*, together with a critical apparatus; and the two glossaries which make up the second supply us with many, if not most, of the necessary elucidations. He has accomplished the larger part of his Herculean task. There is nothing premature in offering him our thanks and our congratulations. It was in 1875 that Dr. Liebermann first made his appearance in print as a student of Old-English law. That year saw the publication of his prolegomena to the *Dialogus de Scaccario*, in which he indicated some of the problems suggested by the *Leges Edwardi*. This edition of the Anglo-Saxon laws was planned as early as 1883, when the Royal Bavarian Academy, with a liberality for which English historians cannot be too grateful, undertook to assist in defraying the expense of publication. Since 1888, when Dr. Liebermann concluded his labours on the editorial staff of the *Monumenta Germaniae*, his energies have been entirely devoted to the laws, and to the documents which illustrate their meaning or assist in the reconstruction of their text. His preliminary investigations bore fruit in an imposing series of monographs: editions of the *Quadripartitus* (1891) and the *Consiliatio Cnuti* (1893); essays on the *Leges Anglorum* (1894), the *Constitutiones de Foresta* (1894), the *Leges Edwardi* (1896), and the *Leges Henrici* (1901).

In these works he approached the textual criticism of the laws by a road which his predecessors had too much neglected. How little was known, forty years ago, of the true nature and worth of the oldest Latin versions may be seen from the notes of Bishop Stubbs in his *Select Charters*. According to Stubbs the *Leges Edwardi* were compiled 'by the wise men of the shires under

William I and edited by Glanvill in the next century, with the legal language adapted to the later period'; he thought that the *Leges Henrici* were of more recent date, and valued them only as giving 'probable but not authoritative illustrations of the amount of national custom existing in the country in the first half of the twelfth century'. The studies of Dr. Liebermann on the chronology and authorship of these and cognate documents have profoundly altered the older estimates of their value as sources for Anglo-Saxon law and Anglo-Norman custom. Incidentally he has enabled us to estimate the nature and the duration of the influence which Anglo-Saxon law exercised upon the jurisprudence of the twelfth century. Before the last of these monographs was in the press, the first volume of the *Gesetze der Angelsachsen* had begun to appear. Its publication was effected by instalments in the years 1898-1903. The two parts of the second volume appeared in 1906 and 1912. Rarely has a continental scholar devoted himself so long and so strenuously to the service of English history. He follows, it is true, in the footsteps of a worthy predecessor, Reinhold Schmid, whose merits as a commentator on the subject-matter of the laws must always be honourably remembered. But, so far as textual criticism is concerned, the work of Dr. Liebermann casts into the shade the humbler services of Schmid, who was perforce content to use the collations which other scholars had published, and who added no new documents to the *corpus*.

In an essay prefixed to his first volume, Dr. Liebermann gives a practically exhaustive survey of the earlier editions. He reminds us—though this is not the immediate purpose of the essay—how long the laws have been an object of scientific interest, and how few are the scholars who have made substantial additions to our knowledge. The list of editors begins with Lambarde, whose *Archaionomia* (1568) is perhaps the best product of the taste for Anglo-Saxon antiquities which was fostered by Archbishop Parker and his circle. The *Archaionomia* is still an indispensable book for those who are concerned with the textual criticism of the laws. Lambarde used not only the extant manuscripts of Parker's collection, but also others which, seeing that Dr. Liebermann has failed to trace them, will probably never be recovered. Lambarde was also a great scholar. He exposes himself to ridicule by translating the laws, absurdly enough, in the style of the Twelve Tables; but he possessed a knowledge of Anglo-Saxon language and antiquities which, for his time, was remarkable. Only second to Lambarde in merit was Sir Henry Spelman, who edited new material, and furnished valuable commentaries upon legal terms, in three of his principal works: the *Codex Legum Anglicanarum*, the *Glossarium Archaiologicum* (1625), and the *Concilia* (1639-64).

Whelock's edition of the *Archaionomia* (1644) and Wilkins's *Leges Anglo-Saxonicae* (1721) have also a traditional reputation. But, in the opinion of Dr. Liebermann, these two collections are much overrated. On the other hand he regards the *Thesaurus* of George Hickes (1703-5) as a work which broke new ground. Hickes discovered some new texts, he offered the correct interpretation of many difficult passages, and he showed the acumen of a true critic.

From Hickes the modern student may pass at a bound to Reinhold Schmid, whose work upon the laws was begun more than a century after the publication of the *Thesaurus*. Schmid was not the first foreign scholar to realize that the legal antiquities of his own nation might be elucidated by the study of Anglo-Saxon law. The Dutchman Verstegen, otherwise known as Rowlands, had commented on Anglo-Saxon law-terms in his *Restitution of Decayed Intelligence* as long ago as 1605; and isolated texts had been printed by various German editors from Marquard Freher onwards. To Schmid, however, belongs the distinction of being the first editor who had studied with scientific method and completeness the legal and historical problems suggested by the laws. For the text of his first edition (1832) he depended upon Lambarde and Wilkins; for that of the second (1858) he utilized the materials contained in the edition of Price and Thorpe. But he had prepared himself for his work by a thorough examination of Anglo-Saxon literature. As a translator he was more consistently successful than any of his predecessors. His glossary was indispensable, until that of Dr. Liebermann appeared; and the footnotes in which he collects parallel passages are marvels of patient labour. Not the least remarkable feature of his work is that it was unassisted by public or private liberality. He was too poor to buy for himself the necessary books of reference, or to visit England. He depended upon the resources of German public libraries, which often left his needs unsatisfied. But his scholarship triumphed over these disadvantages; from 1858 to 1903 his second edition held the field against all rivals both in England and abroad.

Yet Thorpe also deserves an honourable place among the editors of the laws. He was essentially a grammarian and a philologist. His knowledge of Anglo-Saxon history was defective. His glossary shows that he had not seriously used the inductive method of interpretation, through which Schmid achieved such remarkable success; and his renderings bristle with untranslated words. Undoubtedly the edition of the Record Commissioners, which bears his name, would have been more valuable if it had been completed, as it was begun, by Richard Price, whose work Thorpe not infrequently altered for the worse. But Thorpe at least placed the text of the laws on a firm basis. He does not

discuss the dates and affinities of the manuscripts with the precision which is now expected of an editor ; and the number of the manuscripts collated by himself or his assistants was relatively small. But usually, if not invariably, he found out the best manuscript and took it as his starting-point. Dr. Liebermann complains that he modernized and standardized the spelling ; that he endeavoured, prematurely and hastily, to reconstruct the archetype by means of emendations and an arbitrary selection from the variants ; that his *apparatus criticus* was far from giving a complete account of the idiosyncrasies of his manuscripts. But these shortcomings were not peculiar to Thorpe. They were characteristic of the school to which he belonged. Judged by the standards of that age his work, on the philological side, was well and truly executed.

Dr. Liebermann is too modest to explain in how many respects his work marks an advance upon the textual criticism of Thorpe and the commentary of Schmid. It is, therefore, only just that a reviewer should call attention to his peculiar merits.

First we may point out that he has investigated the manuscript tradition with amazing thoroughness. He catalogues and describes about 180 codices, as against the 23 of Thorpe. He has examined with especial care the dates of those codices which stand as authorities in the first rank ; and in two important cases he has corrected Thorpe's chronology. Thorpe dated the B text (Corpus Christi College, Cambridge, MS. 383) as of the tenth century ; but Liebermann describes it as belonging to the years 1125-30, and as a copy of an eleventh-century manuscript which was also used by the compiler of the *Textus Roffensis*. Similarly the C text (C.C.C.C., MS. 265), which Thorpe ascribed to the tenth century, turns out to be the work of two scribes, who wrote in the years 1025-40. The result of such conclusions is to establish more firmly than ever the pre-eminence of the E text (C.C.C.C., MS. 173) in antiquity. The much later collection of the *Textus Roffensis* is, however, equally important, since it contains the unique copy of the Kentish laws. Dr. Liebermann published a special study of this manuscript in the *Archaeologia Cantiana* for 1898. He proved that it was compiled between 1122 and 1150 ; he established its affinity to B and to the *Quadripartitus* version ; he analysed the philological peculiarities of the copyist's dialect. The article ought to be studied by any one who may feel vaguely sceptical as to the dates which Dr. Liebermann assigns to other manuscripts, or his *obiter dicta* on the relations of other manuscripts *inter se*. His examination of the material has been as thorough as it is comprehensive. Possibly some extant manuscripts have escaped his vigilance. He is unable, for instance, to trace the L text which Thorpe loosely describes as a manuscript of the thirteenth

century 'in private hands'. In 1880 a new fragment of a law of Ethelred II was found in the Vatican by Dr. Steinmeyer; legal texts of greater value may still lie hidden, as the Vercelli poems lay so long, in unsuspected quarters. But Dr. Liebermann has exhausted the obvious hunting-grounds, and many others which are by no means obvious.

The new material which he disinterred in the course of his laborious searches was for the most part published before the first volume of the *Gesetze* appeared, and has therefore been for a long time familiar to specialists. This policy of publication by instalments has been more advantageous to learning than to the personal reputation of the editor; there is some risk that his considerable achievements in discovery may be overlooked. It is only just that we should enumerate the principal documents with which he has enriched the *corpus*. Individually they are not of capital importance. None are legislative enactments; some are of later date than the Norman conquest; and the earliest of them can scarcely be older than the reign of Ethelred II. But they are valuable as affording glimpses of that vast body of customs, doctrines, and traditions which lay behind the positive law of the Anglo-Saxon period, and which must have profoundly influenced the minds of those by whom the law was interpreted and applied. Most curious of all are the vernacular tracts on the duties of the secular judge and the reeve. *Iudex* is in the nature of a homily, a series of moral exhortations, largely derived from Isidore. But it throws some sidelights upon the judicial organization of the West-Saxon state in the period between 980 and 1050. The author speaks of the alderman as the king's nominee, and regards him as the chief judicial authority below the king. He refers to subordinates of the alderman, through whose misdoings justice may be perverted. He appears to ignore the judicial competence of the sheriff. The *Gerefa* is a more practical pamphlet, written without the assistance of a model, by an author who is impressed with the difficulty of generalizing, with the variety and complexity of local custom. He describes the duties of a bailiff who is placed by a private landowner in charge of a township. The duties which he indicates are chiefly agricultural, and his precepts are most instructive for the historian of rural economy. He gives, for instance, an agricultural calendar, and enumerates in detail the implements which the normal bailiff has in charge. But there are also stray remarks which have a bearing on constitutional questions. The bailiff must deal firmly with the tenants; better he should never hold office, than that he should let himself be ruled by those whom he ought to rule. But he must rule according to *folc-riht* and *land-riht*; he must know the law as it was declared by the witan of old time, and the prerogatives which

belong to his lord by the custom of the estate. Finally, it is significant that the author, while he assumes that the bailiff will follow local usage in his methods of cultivation, insists upon the duty of making improvements, of exploiting the estate to the utmost.

There is less to be learned from the short pieces entitled *Romscot* and *Northymbra Cyricfrith*. The former is of Kentish origin, and written about A.D. 1050. It tells us that the Rome-penny should be paid on 1 August, and that the penalty for default is sixty shillings and twelve-fold the sum due. The latter explains the penalties for breach of sanctuary in Northumbria; the penalties vary according to the dignity of the church; and the most dignified churches are the minsters of Beverley, York, and Ripon. It appears to be connected with the law regarding sanctuary which was issued by Ethelred II in the year 1014.¹ With these slight but curious documents we may rank the additions which Dr. Liebermann has made to the literature of the ordeal and the judicial combat.² Discoveries of a more fruitful kind are exemplified by his edition of the *Quadripartitus*. He was the first to establish the true text, and to define the exact value, of this singular compilation, which is our sole authority for the contents of half a dozen Anglo-Saxon laws, and in other cases translates from a better manuscript than any we possess. Previous editors had used the *Quadripartitus*; but to them it was simply the work of a translator of uncertain date and uncertain claims to be trusted as a guide. Of the same class, but less important, is the *Consiliatio Cnuti*, which dates, like the *Quadripartitus*, from the reign of Henry I. It contains some useful translations from the laws of Ethelred II and Cnut; but it is chiefly remarkable as giving a brief description of the frank-pledge system, probably the earliest that we possess. The author, who does not appear at this point to be following any older source, ascribes the invention of the system to Cnut—a theory which Dr. Liebermann, in his subject-glossary (s. v. 'Zehnerschaft'), seems inclined to accept. It is a moot question whether any weight can be attached to a tradition of this kind; and the arguments of Dr. Morris for a post-Conquest origin of the system have still to be refuted.³ But the existence of the tradition is a fact that must be faced.

The new edition of the laws is not solely remarkable for these and similar gleanings from a well-worked field. Dr. Liebermann is the first editor who has complied with the rigorous demands

¹ 8 Æthelred, §§ 1-5 (*Gesetze*, i. 263-4).

² *Iudicium Dei*, vii-ix, xi-xv (*Gesetze*, i. 413-16, 419-27); and *Duell* (*Gesetze*, i. 430).

³ W. A. Morris, *The Frank-pledge System* (London, 1910), pp. 29-30.

of scientific philology. He has renounced the method of Thorpe and Schmid, who constructed an eclectic text and imagined that they had restored the archetypes upon which our manuscripts are based. He prefers to give, in parallel columns, an exact transcription of every copy which seems to represent an independent tradition. He has added the older Latin versions wherever these appear to be derived from vernacular copies of a respectable antiquity. The method is laborious, and may seem needlessly complicated to those who use the laws for historical purposes alone. But it is justified, and indeed necessitated, both by our imperfect knowledge of the Anglo-Saxon dialects in their earlier stages of development, and by the nature of our manuscripts. None of these give us official copies of the laws. In all the language is more or less modernized, more or less tinged with the provincialism of the copyist, who sometimes misunderstood archaic words, and never felt himself bound to reproduce with strict fidelity. Dr. Liebermann has done his best to simplify the reader's task of comparing, and selecting from, the wilderness of variant readings. He prints the text of the most trustworthy manuscript on the left-hand side of the page. Obvious errors of the scribes are asterisked, and corrected in his foot-notes. The more remarkable variants of the inferior manuscripts are printed in heavy type. The edition is not *in usum scholarum*, and it is perhaps arranged as simply as scientific exactitude permits. But is it too much to hope that Dr. Liebermann will some day produce a simpler and cheaper edition, giving merely the oldest text of every law with a limited number of critical annotations? It would be a considerable boon to beginners and to students of narrow means.

It must not, however, be imagined that Dr. Liebermann has confined himself to transcription and collation. In many passages he has removed obscurities, or has modified the traditional renderings, by emendations which are not the less striking because they rest upon some manuscript authority. Thus, in the first section of the laws of Ethelbert of Kent, he has restored a word which is now obliterated in the unique manuscript. He found the word in a transcript of the sixteenth century. The result is that the peace of the public assembly (*mæthlfrith*) is now known to be recognized in the earliest of all the Anglo-Saxon codes. This discovery corroborates a conjectural emendation (*meðel* for *medle*) which Thorpe proposed to make in another Kentish enactment.⁴ Again, in the laws of Ine, Dr. Liebermann rescues from oblivion two references to the ordeal by boiling water, through the substitution of *ceac* (a kettle) for *ceap*.⁵ The scribe of the Parker manuscript altered the word because he did not understand it; and the true reading, preserved in other copies, was rejected by Thorpe and

⁴ Hlothære and Eadric, § 8.

⁵ Ine, §§ 37, 62.

Schmid for the same reason. But for these two passages, the ordeal of hot water would be first known to us, as an English method of proof, through ritual documents of much inferior antiquity; and it was long regarded as a late importation from the Continent.

We are bound to face the probability that in other cases also the substitution of an easier for a more difficult reading has materially altered the sense of a law. A possible case is afforded by a law of Alfred which says:

gif mon in lenctenne halig *ryht* in folce butan leafe alecgge, gebete mid cxx scill.⁶

In the *Quadripartitus* version this law is translated:

Si quis in quadragesima sanctum *velum* in populo sine recto deponat, emendet C viginti sol.

It would seem that the translator had before him the reading *ryft* (veil); and this is the reading given by Lambarde. The passage should refer, if this reading be correct, to the veil by which the altar was concealed from view in Lent. It is rather surprising to find that Dr. Liebermann, in his subject-glossary (s.v. 'Fasten'), rejects the variant, without discussion, as erroneous. There is, however, a passage in Edgar's law of the hundred which must clearly be completed by the help of the *Quadripartitus*:

1 *Eadgar*, § 7, 1

And se ðe ðone andagan brece
—buton hit sy ðurh hlaforðes geban
—gebete mid xxx scill'.

Quadripartitus.

Et qui terminum illum infre-
gerit—nisi sit pro banno domini,
vel infirmitate monstrabili—xxx sol.
emendet.

Similarly in the oldest of the ordeal documents⁷ the *Quadripartitus* supplies two missing paragraphs, which describe the exact nature of the test of the red-hot iron, and make it clear that the accused was only required to hold the iron while he made a single step forward, three feet in length.

Some of the more striking improvements in the *textus receptus* will be found towards the end of the collection, in the ordinances and charters of the Norman dynasty. In the charter of Henry I to London a familiar passage is modified by the excision of two words: 'sint quieti de scot et [de loth] de danegildo et de murdro.' Manuscript authority is produced in favour of Dr. Round's suggestion that the *wardemotum* of a later clause is a misreading of *radimonia*. In the ordinance of Henry I respecting shire and hundred we are presented with a new and convincing text of

⁶ Ælfred, § 40, 2.

⁷ *Ordal*, § 5; *Gesetze*, i. 387.

the fourth section, which, as given in the *Foedera* and the *Select Charters*, is simply meaningless :

Foedera, i. 12.

Gesetze, i. 524.

Nec remorent propter aliquam Et nōn remaneat propter aliquam
causam pacem meam vel quietudinem qui non sequuntur placita mea. quam pacem meam vel quietudinem quin sequantur placita mea.

The new version presents one peculiarity which calls for explanation. Twice in this document we find the verb *remanere* used impersonally. The other instance occurs in the third section : 'et hoc duello fiat, nisi in eis remanserit.' In the fourth section the difficulty of translation might be obviated by reading *remaneant*, for which there is manuscript authority. But there is no justification for altering the text of the third section, as to which the manuscripts agree. For the third section Dr. Liebermann gives the rendering, 'unless the parties come to a compromise.'⁸ We venture to suggest that the meaning is more general, 'unless the combat be impeded on their part.' This seems to be corroborated by the language of the oath exacted from a combatant in the thirteenth century : 'nec aliquid feci . . . per quod lex Dei debeat remanere, nec potestas diaboli procedere.'⁹ Here *remanere* seems to bear the meaning 'to fail, to be impeded' ; and the reference is obviously to the use of spells or amulets. In Henry's ordinance the meaning may be the same ; or the legislator may be referring to such impediments as an *essoyn* of infirmity, or a voluntary compromise ; but his language is vague. Following up our clue we may translate the fourth section of Henry's ordinance thus : 'let no grant of my special peace or of exemption be an impediment to attendance at my pleas.'

We have in this ordinance of Henry I a good example of the means by which English sovereigns, for some time before and after the Conquest, promulgated their legislation. At least as early as the time of Athelstan it was the custom to send a copy of a new law to each shire-moot in the form of a writ ;¹⁰ and it is probable that every bishop, earl, and sheriff received a duplicate of such a document. Indeed, copies may have been forwarded to every person of local consequence ; for Edgar commands, in a postscript to one of his laws, that many copies shall be sent to the aldermen of Mercia and East Anglia for circulation in their several provinces.¹¹ We know the ordinance respecting shire and hundred only through the writ which communicates it to the Worcester shire-moot. In other cases we have several of these writs. The Conqueror's ordinance respecting the spiritual courts

⁸ Subject-glossary, s.v. 'Zweikampf'.

⁹ Woodbine, *Four Thirteenth-Century Law Tracts*, p. 124.

¹⁰ 3 Æthelstan, Prol. (*Gesetze*, i. 170).

¹¹ 4 Eadgar, § 15, 1 (*Gesetze*, i. 214).

is preserved in two versions, the one addressed to the sheriffs and other lieges in the shires composing the diocese of London, the other to the earls, sheriffs, and all men, French or English, in the diocese of Lincoln. The coronation charter of Henry I similarly exists in the form of writs addressed to Worcestershire and Hertfordshire; but in this instance we are so fortunate as to possess also the original form of the document. It is framed, like the others, as a writ; but it has a general salutation, and a slightly different set of witnesses. Assuming the accuracy of the copyists, we are tempted to suppose that the writs for provincial circulation were passed and approved by a body of royal counsellors, whose business was to see that they corresponded with the original. At all events it seems clear that the copies were carefully prepared and differed in no material respects from the original. This last point is worth emphasizing, because so eminent an authority as Maitland appears to doubt whether these writs can be treated as authentic copies of the laws which they announce. He deplors the loss of the ordinance against false moneyers which Henry I issued at the beginning of his reign.¹² Yet the ordinance exists in the form of a writ addressed to Worcestershire, which was printed long ago¹³ and was known to Maitland. He simply failed to recognize in it the very law for which he was seeking. To Dr. Liebermann belongs the credit of being the first to realize the true significance of the document. He has edited it with his usual care, but for a wonder has failed to see that it can be precisely dated. He thinks that it may have been issued either in 1100, or in 1101, or in 1103. But it is clearly of the year 1100. For it is dated *in natale Domini* and is attested by William Giffard in the capacity of chancellor. But William Giffard was succeeded in this office by Roger le Poor before 3 September 1101.¹⁴

Space would fail us if we proceeded to discuss even the more serious emendations which Dr. Liebermann has established in the texts of the *Leges Henrici* and *Leges Edwardi*. And perhaps to dwell further upon his achievements of this sort would suggest a false impression. We must not regard him mainly as a philologist, though it would be natural for any one to do so who had merely studied the first volume of the *Gesetze*. Merits of another order are revealed when we turn to the vocabulary and subject-glossary of the second volume. The vocabulary is almost a concordance, and compels admiration by the acute analysis of the different shades of meaning which the same term may be used to express. The subject-glossary is even more useful. It may be called the ideal of a commentator's notebook. The more

¹² Pollock and Maitland, *Hist. of Engl. Law*, i. 74.

¹³ *Foedera*, i. 12.

¹⁴ *Ante*, xxvi. 86.

important articles are essays of considerable length—that on the hundred, for example, extends to seventeen columns. They epitomize the evidence afforded by the laws, by the charters, by literary works, by continental documents of the same period. They call attention to the chief modern theories, and merely as sources of bibliographical information would deserve attentive study. It is no exaggeration to say that they present us with a compendium of the necessary data for discussing almost every important question which is suggested by the subject-headings. Not content with compilation, Dr. Liebermann sometimes expresses his own views, and the arguments on which he bases them, with the laconic brevity which is only possible to a complete master of his subject. The article on the hundred is largely argumentative. Dr. Liebermann holds that the hundred, as a territorial subdivision of the shire, is later than the reign of Alfred. Had it been a primordial institution we should find some trace of it in the early charters, or in Bede; and we should expect to find many hundreds denoted by clan-names. The *regio* of Bede has no definite, technical meaning, but is used as a synonym for *provincia*; the subdivisions found in early Kentish documents are probably the lathes. In his vocabulary Dr. Liebermann suggested that the *bold-getæl* of Alfred's laws might be the hundred. Now he is convinced that there was, in the ninth century, only one form of local moot. The jurisdiction of this tribunal extended over a small and ill-defined area. Above it there was no court save the witenagemot of the kingdom. About the year 935, as he believes, the spheres of jurisdiction of these old courts were accurately mapped out, and the districts so defined were given the name of hundreds. They were used for fiscal no less than for judicial purposes, and were assessed, for purposes of taxation, in hundreds of hides. The hundreds were united in groups called shires, and the shire-moot was placed above the hundred-moot as a court of superior competence.

This article is not altogether an average example of the author's method. It contains a theory of institutional development which is in flat opposition to the orthodox reading of the evidence. It represents a particular phase of thought; it shows the author under the spell of that acute critic, Professor Munro Chadwick. As a rule Dr. Liebermann is no revolutionary; he would be the first to confess that his general conception of the Anglo-Saxon system is derived from Stubbs and the Germanists. Like them he prefers to think of this system as an ideal, as a set of traditions and general principles, which did not change very much from one generation to another. He thinks that our data are insufficient for the purpose of describing Anglo-Saxon institutions, as they existed at any particular epoch, in great detail. He is generally

sceptical as to the possibility of proving a 'genetic' hypothesis. Like Kemble he would rather bring together those facts which are incontrovertible, deal with each particular institution upon broad, safe lines, and only generalize when the evidence is irresistible.

These characteristics are well exemplified in his most recent publication—*The National Assembly in the Anglo-Saxon Period* (Halle, 1913)—which is expanded from the article on the Witan in his glossary, and was read before the medieval section of the Third Historical Congress. This essay is a massive dissertation of ninety octavo pages, in which Dr. Liebermann collects all the relevant evidence to be obtained from the charters and the laws, and very briefly deduces some conclusions. The tone is non-controversial, and there is hardly a reference to a modern work. One would say that the work is intended as a model of dispassionate and laborious induction from the sources. Dr. Liebermann treads on well-worn ground. He challenges a direct comparison with Kemble and Stubbs. But he surpasses them both in thoroughness. The following passages may serve to illustrate the completeness of the study :

Among the 116 places where (according to reports preserved to us) Anglo-Saxon gemots have been held, 76 occur but once, and about 20 cannot be certainly identified (p. 43).

In London no less than 22 witenagemots are recorded from 811 to 1066, nine of which from 1044 (p. 45).

Counting a few days before or after the holiday as belonging to it, we find those three highest church-festivals to be by far the most frequent in which gemots can at all be dated : 24 gemots assembled at Easter, 20 at Christmas, and 7 at Whitsuntide ; altogether more than half of all those 90 instances in which days have been recorded to us (p. 49).

These calculations, we need hardly say, are not made in a spirit of idle curiosity. They bear upon the question : In what degree did the great council of the Norman period resemble the witan ? The custom of William I was to hold his great council thrice a year, at fixed places, and at the three festivals of Christmas, Easter, Pentecost ; Dr. Liebermann makes it clear that, while no such fixed arrangements had been made before 1066, there was a tendency to call the witan at stated seasons, and to use London as the normal place of meeting.

No one knows better than Dr. Liebermann that induction *per enumerationem simplicem* is only one among several methods of historical inquiry. Before we can proceed with safety to the invention and testing of hypotheses, it is essential to know what are the facts at our disposal ; and what general truths can be established by a bare comparison of texts, by counting instances, by collecting and classifying precedents. But there is a danger

of assuming that when this is done, all that is necessary or possible has been done. Under the spell of the inductive method we may neglect unduly the intensive study of the problems suggested by particular documents. The various conclusions established by induction do not always combine as harmoniously as we might expect; and other methods must be invoked to effect a reconciliation. We do not find it easy to reconcile all that Dr. Liebermann says here about the witan with all that he says elsewhere about the shire and hundred. He finds evidence of provincial witenagemots, as late as the tenth and eleventh centuries in Kent, Mercia, East Anglia, and Northumbria: 'provincial witenagemots lived on as long as the national assembly, and transferred their name to county-courts of the Norman age.' Does this mean that the shire-system was not established in Mercia or Kent by the hypothetical legislator of the year 935? Or does it mean that the witan coexisted with a single shire-moot in Kent, with several shires in Mercia? The case of Kent is especially perplexing. We have a letter addressed to King Athelstan by the bishops, thegns, eorls, and ceorls (*comites et villani*) of Kent.¹⁵ Dr. Liebermann regards this assembly as a witenagemot. But would the common free-man appear, would he even be regarded as duly represented by the witan? The witan, as we see it revealed by laws and charters, is a purely aristocratic gathering; the body which addresses Athelstan is constituted like a shire-moot, and is fulfilling duties which are later cast upon the shire-moot. If we turn from Kent to the London of the same period, we are again confronted by an enigmatical form of provincial assembly. The bishops and reeves who belong to London proclaim certain ordinances, to which the frith-gegildas afterwards swear allegiance. This can hardly be a shire-moot; for the reeves who take part in the assembly stand each at the head of his own shire,¹⁶ and more than one bishop is concerned. Neither does it look like a provincial witan, since there is no mention of the king's thegns as participating in the legislation. The common people are evidently present to take the oath of obedience; and, although they do not make the regulations, the law-maker puts the law into their mouths¹⁷ as though they were *de iure* the source of law. It is true that these two documents came to us from a period which, on the hypothesis of Dr. Liebermann, was a period of reconstruction and sudden change. But for this very reason they deserve to be closely scrutinized. One conclusion at all events they suggest; there seems something after all to be said for Freeman's view that the witan originally contained a popular element. These tenth-century documents presuppose

¹⁵ 3 Æthelstan, *Gesetze*, i. 170.

¹⁶ 6 Æthelstan, Prologue and § 8, 4.

¹⁷ *Ibid.*, §§ 3, 7, 8.

a conviction that law is only binding when the people have assented to it ; that the work of legislation is not complete until the law has been promulgated in an assembly which theoretically at least includes the people ; and that the people may actually be convoked to hear what laws their social superiors have imposed. The shire-moot in Kent is probably a continuation of the meetings which the earliest kings of Kent had held when they took counsel with their great men, and at the same time summoned the people (*leod*) to the muster. In those shires which were later creations we may suppose that the analogy of the Kentish and similar assemblies was followed.

We hold no brief for the 'genetic' method in Anglo-Saxon studies. It has been much abused, and it is responsible for great waste of time and ingenuity. But the living organism of a political society cannot be understood by mere inspection of *disiecta membra*. Apart from the whole to which they belong, these are meaningless and inexplicable. We must endeavour to think of them as united in one body, as depending and reacting each upon the rest. And if we fail to reconstruct the image of the whole, we shall at least be able to reject as impossible the more faulty reconstructions of the parts. Assuredly Dr. Liebermann has not done his thinking in pigeon-holes. But there is a certain danger that those who use his book may sometimes be unable, like the present writer, to reconstruct the general conception which lies behind his admirably-tabulated facts and deductions. A glossary such as this is a *κτῆμα ἐς αἰεί*. But we hope that some day Dr. Liebermann will tell us in a more synthetic form the story of West-Saxon institutions as he understands it.

H. W. C. DAVIS.

The Arab Occupation of Crete

THE period of the Amorian dynasty (820–67) is, in consequence of the scantiness of our sources and the paucity of dates and absence of chronological order which we find in them, perhaps the most obscure in the annals of the eastern empire; and in this period not the least obscure event is the Arab conquest of Crete. That the conquerors were adventurers from Spain, who, having been banished from that country after a sedition in 814, sailed to Egypt and seized Alexandria, from which they were expelled by 'Abd Allah ibn Tahir, is well known; but the whole story is told by Arabic writers only, the Greek authors saying nothing of Egypt, and seeming to think that the conquerors came direct from Spain. On the other hand, for the facts of the conquest itself, with the exception of three lines of Al Baladhuri (c. 870), in which it is merely stated that the Arab leader, Abu Hafs, took a fortress and settled in it, and then conquered the rest of the island, one place after another, and destroyed the fortresses,¹ we depend entirely on Greek sources. Al Baladhuri, according to a citation in Yaqut's *Geographical Dictionary*,² placed the conquest of the island in A.H. 210 (24 April 825—12 April 826); but, as the date is not in either of the existing manuscripts, its originality must be doubtful. According to Al Ya'qubi, who wrote about 880, the capture of Alexandria took place in 212 (2 April 827—21 March 828);³ but Al Tabari (d. 923) places it in 210, though he mentions another account which placed it in 211 (13 April 826—1 April 827);⁴ while of the Greek authors George the Monk only states that the Arabs conquered Crete during the reign of Theophilus (829–42),⁵ the Logothete says that Crete and Sicily were occupied at the time of the rebellion of Thomas (821–3),⁶ though the Arab landing in Sicily is definitely fixed to 827, and Genesius that during this rebellion the adventurers plundered Crete and in the next year came back and occupied it.⁷ Accordingly modern scholars have

¹ p. 236 (Vasilyev, *Vizantiya i Araby*, i, app. p. 4). For another alleged Arabic account see below, p. 438.

² i. 237.

⁴ iii. 1091.

⁶ Georg. Mon., ed. Bonn, p. 789.

³ ii. 561.

⁵ Ed. De Boor, p. 798.

⁷ Ed. Bonn, p. 46.

generally followed Al Tabari and dated the conquest in 825 or 826.⁸ The Syriac chronicler Michael, however, agreeing with Al Ya'qubi, tells us that 'Abd Allah laid siege to Alexandria in March 827 and took it after nine months,⁹ i.e. in December 827; and, as he follows the patriarch Dionysius, who was in Egypt with the caliph in 832,¹⁰ his authority would seem to be decisive, in spite of the fact that he did not know where the adventurers went when they left Alexandria, but represents them as returning to Spain. If, however, any confirmation is required, it is provided, as far as the year is concerned, by the Egyptian historian Al Kindi (d. 961), recently published by Mr. R. Guest, who places the fall of Alexandria in Rabi' I, 212 (31 May—29 June 827).¹¹ The second date given by Al Tabari is correct for the arrival of 'Abd Allah in Egypt, but he has omitted to allow for the fact that his campaigns in that country lasted two years. As regards the month, it seems best to give the preference to Michael, and place the expulsion of the Spanish refugees from Alexandria in December 827, and consequently their invasion of Crete in 828.¹²

This date being accepted, it remains to see how it can be fitted in with the narratives of the Greek writers. Of these George and the Logothete merely mention the fact of the conquest, while the Continuator of Theophanes for the most part paraphrases Genesis; and to Genesis, therefore, the first place must be given. This writer tells us that in the year before the conquest the adventurers had ravaged the island: but they can hardly have come during the siege of Alexandria, and the statement cannot be reconciled with his assertion, corroborated by the Logothete, that the attack took place during the rebellion of Thomas. If this is to be taken literally, the raid must be dated not later than 823, though, if we take the civil war caused by the rebellion to be meant, we may postpone it to 824. It is, of course, possible that more than one raid was made; but the phrase *τῷ ἐπιόντι καιρῷ* is probably merely a formula of transition and not dependent on any authority. He then goes on to tell the story of how the Arab leader Abu Hafs, on landing in Crete, burned the ships in order to prevent his men from returning, and on their protesting that it would separate them from their wives, answered that they could find wives in the country; but this story can hardly be reconciled either with the fact that they had been expelled from Alexandria (of which Genesis

⁸ Weil, *Gesch. der Chalifen*, ii. 233; Hirsch, *Byzant. Studien*, p. 136; Gelzer ap. Krumbacher, *Gesch. der byzant. Litt.*, p. 967; Vasilyev, *op. cit.*, i. 47; Bury, *Eastern Roman Empire*, p. 288.

⁹ Ed. Chabot, p. 515.

¹⁰ *Ibid.* p. 522. Dionysius was personally acquainted with 'Abd Allah (p. 508) and recorded his campaigns in Syria and Egypt with exact dates.

¹¹ p. 184.

¹² On the dates given by the Arabic biographers see below, pp. 438 ff.

was ignorant) and must therefore be presumed to have brought their wives with them, or at any rate could not return, or with the fact that immediately afterwards we find them ravaging the Aegean.¹³ Genesius then states that Craterus, στρατηγός of the Cibyrrhaeots, was sent against the invaders and won a victory, but, as he neglected to keep a guard during the night, his force was annihilated by an unexpected attack, and he alone escaped in a merchant-ship, but the enemy pursued him in two ὀλκάδες, caught him, and crucified him in Cos, after which Ooryphas collected a naval force and expelled the marauders from the other islands which they were ravaging.¹⁴ He then records the death of Michael II (October 829).

Within the space of twenty-two months, therefore, we must, if this narrative is accepted, compress the voyage from Alexandria to Crete, the first successes of the invaders, the conveyance of the news to Constantinople, the transmission of orders to the Cibyrrhaeots on the south coast of Asia Minor,¹⁵ the voyage of the fleet to Crete, the defeat and death of Craterus, the ravaging of the islands, the collection of a fleet by Ooryphas, and the expulsion of the Arabs from the other islands. This is difficult enough; but the difficulty is further increased by a notice of the Continuator under the reign of Theophilus, in which he tells us that at the time of the accession of Theophilus, in October of the 8th indiction (829), the Roman fleet was annihilated by the Arabs off Thasos.¹⁶ This exact date must clearly be accepted, and it leaves no room for the activity of Ooryphas: for the ravaging of the Aegean cannot have seriously begun before 829, and it is absurd to tell us that a new force was collected and the islands cleared, if the fleet was destroyed in October.¹⁷ Obviously the measures of Ooryphas were taken when there was no fleet in the Aegean, for otherwise it would not have been necessary to make a special levy, and the men would not have embarked on ὀλκάδες; and his action therefore followed the battle of Thasos. This date does not involve any real departure from the narrative of Genesius, for he does not mention the battle; and, though he should strictly have recorded the successes of Ooryphas under the reign of Theophilus, it is natural that he should relate them, where he does in order to avoid interrupting the narrative. The course

¹³ On an alleged Arabic confirmation of the story see below, p. 439.

¹⁴ This seems to be the meaning of τὴν ἐλευθερίαν πολλαῖς [πολλοῖς?] ἐχορήγησαν.

¹⁵ The summoning of the Cibyrrhaeots may be explained by the fact that a fleet had gone to Sicily this year (Nuwairi ap. Amari, *Bibl. arabo-sicula*, p. 429; Ibn al Athir, ed. Tornberg, vi. 237 = Amari, p. 223).

¹⁶ Theoph. Cont. iii. 39.

¹⁷ Even if we take Al Kindi's date for the capture of Alexandria, the landing cannot be placed before the late summer of 827, or the expedition of Craterus before spring 828, so that the difficulty is not materially lessened.

of events is then quite clear. The Arabs landed in Crete early in 828, during the summer or early autumn Craterus attacked them and was defeated, his fleet probably being captured or destroyed,¹⁸ in 829 they set out to attack the other islands, and in October annihilated the Aegean squadron off Thasos. After this the islands for a time lay at their mercy ;¹⁹ but Ooryphas collected a new force and eventually succeeded in protecting the Aegean from their ravages ; but how long they carried on their raids unchecked, or how long he was able to hold them at bay, we do not know.²⁰ In 841, as we shall see, they were raiding Asia Minor. It is not necessary to suppose that they had completed the conquest of Crete before beginning the raids in the Aegean. It appears both from Al Baladhuri and from Genesius that the process took some time,²¹ and George the Monk places the conquest in the reign of Theophilus ; but on the details of it we have no information.

As far, then, as Genesius is concerned, no serious difficulty arises from the later date for the landing : but the Continuator, while otherwise repeating his narrative, inserts before the expedition of Craterus a story to the effect that Photinus, general of the Anatolics, great-grandfather of the Empress Zoe, the mother of Constantine VII, was sent to Crete as governor, and, on his asking for assistance, Damian the constable was sent with a considerable force, but the Arabs won a great victory, Damian being killed and Photinus escaping alone in a boat ; in spite of his ill-success, however, he was appointed *στρατηγός* of Sicily.²² This Photinus, Amari (following a suggestion of Caussin de Perceval²³) identified with the Sicilian *στρατηγός* who was captured and put to death by the rebel Euphemius, whom the Arabic writers call Constantine, pointing out that in Al Nuwairi the name is incorrectly transliterated and appears in a form that does not greatly differ from 'Photinus'.²⁴ As, however, the Arab invasion of Sicily was certainly in 827, and the death of the general cannot therefore be placed later than 826, now that

¹⁸ This seems to follow from the facts that he did not board one of his own ships and that the Arabs pursued him to Cos in two *δελάδες*. The exact facts, however, cannot be recovered, and the commander's escape alone in a boat, which is related also of Photinus, can hardly be taken seriously.

¹⁹ Georgius Monachus places the ravaging of the islands in the time of Theophilus. The Logothete, on the other hand, states that the Cyclades, like Crete and Sicily, were occupied during the rebellion of Thomas.

²⁰ Symeon Magister (p. 624) says that Ooryphas suffered a severe defeat in an attack on Crete ; but, as he seems to have no source except Genesius, and no other writer mentions this, there is perhaps some misunderstanding.

²¹ The supposition of Vasilyev (p. 48) and Bury (p. 288) that hardly any resistance was offered seems at variance with both these authors.

²² Theoph. Cont., ii. 22.

²³ *Hist. de Sicile* ap. Riedesel, *Voyages*, p. 404.

²⁴ *Storia dei Musulmani di Sicilia*, i. 245, 246, 250. Al Nuwairi adds the name 'Suda', which reminds us of the Sudales of Theoph. Cont. iv. 16, who may have been his son.

we have established the true date of the invasion of Crete, it follows that the identification can only be maintained if we suppose that Photinus was sent to Crete at the time of the raid which preceded the Arab occupation. But it is difficult to think that the Anatolic general would be transferred to the petty command of Crete for so trumpery a purpose, which would naturally fall within the sphere of one of the naval *στρατηγοί*, nor, indeed, would there have been time to bring him so far.

Amari's identification, indeed, though it has been generally accepted,²⁵ was never very convincing,²⁶ and there are several reasons against it. In the first place, the Continuator was specially interested in Photinus on account of his relationship to his imperial patron, and therefore, if Photinus played so important a part in connexion with the rebellion of Euphemius, which this author relates from the contemporary work of Theognostus,²⁷ it is strange that he should omit all mention of him. Secondly, it must be assumed that a man who had held the high office of Anatolic general would be a man of middle age; and it must equally be assumed that Zoe was at the time of her son's birth in 906 a young woman. Hence it follows that the distance of time between the Cretan expedition of Photinus and the birth of Constantine VII is not three generations, but little, if anything, more than two; and, as in that time and country people married earlier than with us, eighty years is a most unlikely time to allow. Professor Bury believes that the narrative of the Cretan expedition is also taken from Theognostus; but the relationship of Photinus to Zoe must in any case be a family tradition derived from the emperor, and it seems most obvious to suppose that the whole story comes from this source.²⁸ In this case no date would be mentioned in the tradition, and the author inserted it at this point because, as Photinus was sent to expel the Arabs, he supposed that the expedition took place immediately after the landing of the invaders, though, if it really happened at this time, Genesius would not have been likely to omit it. The identification of Photinus with 'Constantine Suda' must therefore be abandoned, and we must look for another date at which to place the expedition of Photinus to Crete and his government of Sicily.

The relationship of Photinus to Zoe would seem to fix the date

²⁵ Vasilyev, p. 58; Bury, p. 479. In Finlay's *Hist. of the Byzantine and Greek Empires* (i. 164), which appeared a year before Amari's work, the identification is assumed without discussion or reference.

²⁶ Ibn al Athir and Ibn Khaldun have clearly 'Constantine', and in all manuscripts of Al Nuwairi the *s* is preserved, while the best reading differs from 'Constantine' only by the easy omission of the first *t* (the difference between *f* and *g*, which is one of pointing only, is negligible).

²⁷ ii. 27.

²⁸ So Hirsch, *Byzant. Studien*, p. 196.

of the Cretan episode to some time between 840 and 860; and of these years 840 and 841 may be ruled out by the eastern complications, which make it most unlikely that the Anatolic general would be then transferred to Crete, even if such an expedition were undertaken at all, and 843 by the expedition of Theoctistus: ²⁹ the fact that Theoctistus was sent to Crete in 843 also makes the years 842 and 844 improbable. Again, in the autumn of 859 Constantine Contomytes came to Sicily as *στρατηγός*, ³⁰ and the appointment of Photinus to the same post can therefore hardly have been later than 858 or his Cretan expedition than 857. Further, Photinus can scarcely have gone to Crete in the capacity of Anatolic general, and we must therefore assume that he was appointed *στρατηγός* of Crete, as in fact the Continuator seems to imply, ³¹ and, since Crete had before the Arab occupation been ruled by an *ἄρχων*, ³² the *στρατηγός* would seem to have been created for the benefit of Photinus, ³³ who, having been *στρατηγός* of the Anatolics, could not be degraded to a lower rank. But a *στρατηγός* of Crete appears in the *Taktikon* of Uspensky, ³⁴ which was composed under Michael and Theodora, and therefore not later than March 856. Hence it follows that the expedition to Crete was not later than 855; and, as it seems improbable that Bardas would have sent an unsuccessful nominee of Theodora to command in Sicily, I think we must place it not later than 854. Of the ten years which remain 845 is not an unlikely date, for at that time there was an armistice in the east, and the fact that reinforcements were sent to Sicily that year ³⁵ is not a very serious objection, for the Romans may well have seized the opportunity to make attempts to recover both islands: but in fact, with the exception of the operations undertaken at the time of the Armenian revolt in 851, no serious fighting went on in the east till 855, and there is another date during this period at which there is much to be said for placing the expedition of Photinus. We learn from Al Tabari ³⁶ that in 853 three squadrons were sent out, one of which, under a commander whose name appears in the text as Ibn Q(a)tuna, sacked Damietta (22 May)

²⁹ Georg. Mon., ed. Bonn, p. 814.

³⁰ Cambridge Chronicle, A.M. 6368; cf. Theoph. Cont., iv. 22.

³¹ ii. 22 "τὰ τῆς Κρήτης ἅπαντα διοικεῖν προβάλετο"; "τὴν τῆς Σικελίας στρατηγίδα αὐθις τῆς Κρήτης ἀλλάσσειν": so Bury, p. 289.

³² Bury, *Imperial Administrative System*, p. 14.

³³ Bury (*l. c.*) believes it to have been created for Theoctistus in 843; but Theoctistus seems to have been *κατίκλειος* after as well as before the expedition (Georg. Mon., ed. Bonn, pp. 811, 821), and, if Damian went as constable, Theoctistus may have gone as *κατίκλειος*, and there was no more need for him to assume a special office than on his expedition of the following year. It was not uncommon to send a high official from the capital on such an expedition without change of post.

³⁴ Bury, p. 13.

³⁵ Cambridge Chronicle, A.M. 6354.

³⁶ iii. 1417 (Vasilyev, i, app., p. 51).

and carried off a store of arms intended for the Cretan Arabs, while the destination of the other two, the names of the commanders of which may be read as 'Urif (Ooryphas)³⁷ and Amar-dinaqah (Martinacius)³⁸ is not stated. Now it seems unlikely that three squadrons would be sent out merely to loot; and we are perhaps therefore entitled to infer that the seizure of the arms was not an incident of the expedition but its object, and that the other squadrons sailed to Syrian ports from which it was known that arms were likely to be shipped to Crete. In this case we can hardly but assume that an attack upon the corsairs was being prepared: and, if so, this attack, if carried out, must have taken place in 853 or 854; indeed, as the name transliterated Qatuna may by the omission of a point be read Futuna or Fituna, and 'Ibn' is omitted in one of the two manuscripts which contain this passage and in Al Ya'qubi, who records the expedition from another source,³⁹ it is tempting to see in the mysterious 'Ibn Qatuna' the very Photinus whose history we are seeking to unravel, and to suppose that the descent upon Crete was made on his return from Egypt,⁴⁰ and therefore in 853. This, however, is conjectural, and all that can be affirmed on any solid ground is that the Cretan expedition of Photinus took place during the years 845-54. The name Michael given by the Continuator to the emperor under whom he was sent may then have been part of the tradition, and his error have arisen from supposing that Michael II was intended instead of Michael III.

It has been usual to place at the beginning of the reign of Theophilus⁴¹ a raid upon Asia Minor mentioned by the continuator, in which the raiders were cut to pieces by Constantine Comytetes, the Thracesian general.⁴² The reason for this is apparently that the author narrates it immediately before the battle of Thasos: but he is not writing in chronological order, and places no note of connexion between the two events, while, on the other hand, he states that it occurred about the same time as the events last recorded, which are the deaths of Theophobus and Theophilus (January 842); and I see no reason to

³⁷ Rozen ad Tab.

³⁸ For this family see Genesius, p. 70.

³⁹ ii. 597 (Vasilyev, app., p. 10). There are here no points over the first letter, which may therefore be either *q* or *f*. At the end are the letters *r s r*, which may represent a surname.

⁴⁰ Tabari says of the three leaders, 'These were the three commanders on the sea,' by which an office seems to be meant. If the statement is trustworthy, they might be the *στρατηγός* of the Cibyrrhaeots and the *drugarii* of the Aegean and of the imperial squadron; or, if Photinus was one of them, we might infer that the Cretan *στρατηγός* was intended to be a naval theme. It might, however, be difficult to find a parallel for the appointment of a military officer to a naval command.

⁴¹ Lebeau, *Hist. du Bas-Empire*, xiii. 92; Muralt, *Essai de Chron. byzant.*, p. 431; Vasilyev, p. 76; Bury, *Eastern Roman Empire*, p. 291.

⁴² Theoph. Cont., iii. 39.

reject this date, which agrees better with the fact that Constantine Contomytes was appointed *στρατηγός* of Sicily in 859.⁴³ It was, however, unusual to make expeditions in the winter; and therefore, if any confidence is to be placed in the note of time, the event must be dated in 841.

I have stated above that for the details of the Arab conquest of Crete we have, with the exception of three lines of Al Baladhuri, Greek authorities only. Conde, however, cites a narrative in which the burning of the ships is described as from the biographical dictionary of the Spanish Arab Al Humaidi (d. 1095);⁴⁴ and on the strength of this citation this author has been accepted as corroborating the story of Genesisius.⁴⁵ Now only one manuscript of Al Humaidi's work is known to exist, and that is at Oxford; and Professor Margoliouth, who has most kindly examined the manuscript for me, assures me that in the passage which Conde cites this contains nothing that is not in the work of Al Humaidi's copyist and continuator, Al Dhabbi (d. 1203), which was published by Codera and Ribera in 1886 from an Escorial MS., the only one known to exist in Europe;⁴⁶ and he also points out that it appears from Conde's own preface that he knew Al Humaidi only through Al Dhabbi.⁴⁷ We may therefore be quite confident that in the extract from Al Dhabbi, of which I give a translation below,⁴⁸ we have all the information that was at Conde's disposal.

'Umar the son of Shu'aib Abu Hafs who was called 'Al Ghaliz',⁴⁹ Al Balluti, from the districts of Fahs al Ballut near Cordova. He is mentioned by Abu Muhammad the son of Hazm,⁵⁰ and he says that he came from Qull al Rabadhiyin,⁵¹ and that it was he who made the expedition to Crete and conquered it after the year 230 [18 September 844—7 September 845], and his descendants ruled it in succession after him until 'Abd al 'Aziz the son of Shu'aib was the last of them, in whose days Romanus the son of Constantine, king of the Romans, took possession of it, in the year 350 [20 February 961—8 February 962], and most of those who joined him in the conquest were men of Spain. This is what he says. And he is men-

⁴³ Cambridge Chronicle, A.M. 6368. There is no need with Vasilyev (p. 176) to postulate two men of this name.

⁴⁴ *Los Arabes en España* (ed. 1844), i. 205.

⁴⁵ Hirsch, p. 136; Vasilyev, p. 48; Bury, p. 288, 289.

⁴⁶ *Bibliotheca Arabo-Hispana*, tom. iii.

⁴⁷ p. xxvii.

⁴⁸ p. 394 (no 1164). I am indebted to Professor Margoliouth for the reference and to Mr. Amedroz for assistance with the translation.

⁴⁹ i.e. 'the rough'.

⁵⁰ Al Humaidi's master; d. 1064 (Brockelmann, *Gesch. d. arab. Litt.*, p. 400).

⁵¹ From information supplied by Professor Margoliouth I make a slight correction from the Oxford MS. Qull al Rabadhiyin seems to be a place-name (Margoliouth), but an allusion to the insurrection of the *rabadh* (suburb) in 814 (Ibn al Athir, vi. 209), which led to the expulsion of the future conquerors of Crete, appears obvious. Abu Hafs's native place is elsewhere called Butruh; see below p. 443, and P. de Gayangos, *Hist. of the Mohamm. Dynasties in Spain*, ii. 103.

tioned by Abu Sa'id the son of Yunus,⁵² and he says : 'Shu'aib the son of 'Umar the son of 'Isa Abu 'Umar, lord of the island of Crete, carried out the conquest of it after the year 220 [5 January—26 December 835] ; and this Shu'aib used to write in Al 'Iraq, and he wrote under my grandfather Yunus the son of 'Abd al A'la⁵³ and others also in Egypt.' This is the end of the words of Ibn Yunus. Now these men differ as to his name, one saying 'Umar the son of Shu'aib', and the other saying 'Shu'aib the son of 'Umar', and both describe him as the conqueror ; if that were not so, we should have said that one of them was the son of the other : and it may be that both were present at the conquest : if it is not so, there has been a transposition in the case of one of them. God knows.

Conde correctly introduces this notice with the words 'cuenta Edobi', but he then gives as part of the citation the statement that the insurgents after their expulsion chose Abu Hafs as their leader, which is not in the text ; instead of 'Abu Muhammad ibn Hazm' he writes 'Said ben Jonas', omitting the real citation from Ibn Yunus, and at the end he writes 'Así lo refiere Homeidi citando á Muhamad ben Huzam', though he has just given 'Said ben Jonas' as the authority ('Abu' he seems to consider a superfluous prefix). These are only instances of his habitual inaccuracy : but he then goes on to repeat on the authority of Al Humaidi the story of the conquest almost as it appears in the Greek writers, the only statements of fact not contained in these being the mention of Suda instead of Charax as the landing-place and the localization of Candia at the east end of the island ; and both these, as well as certain literary embellishments, are also to be found in Gibbon, while no detail of the Greek that is preserved by Conde is absent from Gibbon, and both writers, while otherwise following Genesius, insert the allusion to future children from the Continuator. To make the matter quite clear, I place the passages of Gibbon and Conde in parallel columns, printing in italics expressions absent in the Greek texts which are common to both writers.

GIBBON, ed. Bury, vi. 37.

A band of Andalusian volunteers . . . explored the adventures of the sea ; but, as they sailed in no more than 10 or 20 galleys, their warfare must be branded with the name of piracy. . . . From the mouth of the Nile to the Hellespont, the islands and sea-coasts, both of the *Greeks* and Moslems, were exposed to their

CONDE (ed. 1844), i. 205.

Así lo refiere Homeidi citando á Muhamad ben Huzam, y cuenta asimismo que estos andaluces con veinte naves corrian y robaban en el mar *griego* y en sus islas :

⁵² Native of Egypt ; d. 958 (Ibn Khallikan, transl. De Slane, ii. 94).

⁵³ Said to have been born in 787 and to have died in 878 (*op. cit.* iv. 595).

depredations. . . . The Andalusians wandered over the land fearless and unmolested; but, when they descended *with their plunder* to the sea-shore, their vessels were in flames, and their chief, Abu Caab, confessed himself the author of the mischief. Their clamours accused his madness or treachery. 'Of what do you complain?' replied the crafty emir. 'I have brought you to a land flowing with milk and honey. Here is your true country; . . . forget *the barren place of your nativity*.' 'And our wives and children?' 'Your *beauteous* captives will supply the place of your wives, and *in their embraces* you will soon become the fathers of a new progeny.' Their first habitation was their camp . . . in the bay of *Suda*;⁵⁴ but an apostate monk led them to a . . . position *in the eastern parts*; and the name of Candax, their . . . colony, had [has?] been extended to the whole island.

dice que deseando ellos por el natural amor á su patria tornar á ella *con las muchas riquezas que habian allegado*, que su caudillo les quemó la flota, y como se quejasen de él y de su constante determinacion, lamentándose de su destierro, que el caudillo les dijo:

'Cuanto mejor y mas amena es esta isla que corre miel y leche, que *vuestros desiertos* "!"

entre estas *bellas* cautivas olvidareis vuestras amadas; *hallareis aqui todos los placeres de la vida* y una nueva jeneracion, que será vuestro solaz en la vejez': que moraban en *Suda*, y fondaron Candaz *al oriente de la isla*.

The authority cited by Conde therefore turns out to be no ancient Arab writer, but an Englishman of the eighteenth century, and the figure of Al Humaidi as an authority for anything beyond the fact of the conquest and the personality of the conqueror must disappear from history. At first sight it seems impossible to acquit Conde of fraud; but such a charge should not be made if any other explanation is possible: and, when we consider the difficulties under which his work was produced,⁵⁵ I think we may believe that, when compiling material for his history, unable to find any Arabic account of the conquest, he wrote the paraphrase of Gibbon under the citation from Al Dhabbi, and, when putting his work into shape, forgot the source of it and imagined it to be part of the citation. But, though all direct Arabic authority for the story of the burning of the ships disappears, it still seems likely that Genesius obtained it directly or indirectly from Arab tradition. The same thing was done in this very year 828 by the Arab commander in Sicily in order to save his ships

⁵⁴ I do not know where Gibbon found the identification of Charax with Suda. The two words have the same meaning (Ducange, s.v. *Σούδα*).

⁵⁵ See P. de Gayangos, *Hist. of the Mohamm. Dyn. in Spain*, i, p. xi.

from falling into the hands of the Romans,⁵⁶ and the Cretan Arabs may well have transferred the story to their own leader. That Genesisius had some Cretan informant⁵⁷ seems certain from the fact that he makes special mention of the preservation of the blood of the martyr Cyril of Gortyna and the miracles wrought by it, and of the tombs of other local martyrs,⁵⁸ which would not interest any one but a native of the island.

Al Humaidi is clearly right in his surmise that 'Umar ibn Shu'aib and Shu'aib ibn 'Umar are father and son; and Shu'aib is obviously the Σαίπηρς of Genesisius (p. 47),⁵⁹ the second Arab ruler of Crete. That Ibn Yunus calls Abu Hafs not Ibn Shu'aib but Ibn 'Isa need not trouble us, for, as Ibn Yunus himself was by his own statement not son but grandson of Yunus, so either Shu'aib or 'Isa may have been grandfather of Abu Hafs. The picture which Ibn Yunus presents to us of the pirate *amir* as a travelling collector of traditions is a strange one; but, as he is said to have studied under the writer's own grandfather, the authority is good, and it is in fact only to his literary distinction that we owe the notice of him, for the biographers took no account of any but literary men, Abu Hafs being perhaps included because he was confused with his son. Shu'aib's literary travels were no doubt undertaken during his father's lifetime, as we may in fact gather from another version of the extract from Ibn Yunus preserved by Al Sam'ani, to which I shall again refer, where the sentence in question runs: 'And he used to write *before* in Al 'Iraq, and he wrote under Yunus the son of 'Abd al A'la and others in Egypt.' Of the two dates given, 220 and 230, we may assume one to be a corruption of the other, and whichever was the original probably preserved the date of the death of Abu Hafs and succession of Shu'aib, which, as the two were believed to be the same person, was supposed to be the date of the conquest. Of the two dates the later would seem the more probable in order to allow time for Shu'aib's literary career; for, as he studied under a man who lived till 878 and was himself alive in 875,⁶⁰ it is hard to think that his studies began before the conquest, though, as both Al Humaidi and Al Sam'ani give 220 in the citation from Ibn Yunus, this date must have been given by that author.

⁵⁶ Ibn al Athir, vi. 237 = Amari, *Bibl. arabo-sicula*, p. 223; Nuwairi ap. Amari p. 429.

⁵⁷ So Bury, p. 289, n. 1.

⁵⁸ p. 48. The Continuator (ii. 23) has by a misunderstanding taken the allusion to Cyril as a record of a martyrdom at the hands of the Arabs; see De Boor in *Byz Zeitschr.* xiii. 433.

⁵⁹ Theoph. Cont. (v. 60) calls him Σαήρ.

⁶⁰ Theoph. Cont., v. 60. For the date see Vasilyev, ii. 48; but the restoration of the true date for the landing necessitates substituting 875 for 872.

An interesting point arises from the form which the notice of Shu'aib takes in Al Sam'ani. This writer, a native of Merv who died in 1167⁶¹ and is independent of the Spanish authors, composed a biographical dictionary known as *Kitab al Ansab* or *Book of Surnames*, in which the subjects of the notices were arranged, not as in other dictionaries in the alphabetical order of the names given to them in infancy, but in the order of the *ansab* or descriptive designations which were borne by many eminent Moslems, and especially by literary men. In this work the *nisba* under which the notice of Shu'aib is given is Al Iqritishi (the Cretan), and it begins: 'Crete. That is an island in the western district from which many learned men came; and the most famous of them is Abu 'Amr Shu'aib the son of 'Umar the son of 'Isa Al Iqritishi,'⁶² the rest being as in Al Humaidi down to the citation given above. Ibn Yunus is not mentioned, but the notice clearly comes from him, and we must assume that he gave Shu'aib the *nisba* Al Iqritishi, though Al Humaidi has not preserved it.⁶³ The same *nisba* is also assigned by Al Baladhuri to Abu Hafs,⁶⁴ and it would therefore appear to have been used as a hereditary surname by the amirs of Crete. Now Al Nuwairi tells us that in the year 244 (19 April 858—7 April 859) 'Ali brother of the *amir* of Sicily made an expedition by sea, during which Al Iqritishi met him with forty ships, but 'Ali put him to flight and took ten of his ships,⁶⁵ while Ibn 'Adhari, though following the same source, says that 'Ali went to Crete and plundered it, but fortune then turned against the Moslems, and twelve of their ships were taken.⁶⁶ The Al Iqritishi here mentioned is supposed by Amari⁶⁷ to have been a Roman general, and he suggests John Creticus, *στρατηγός* of Peloponnesus under Basil;⁶⁸ but the passages from Al Baladhuri and Ibn Yunus are striking confirmation of the opinion of the older writers whom he cites that he was the *amir* of Crete: he can hardly, however, have been Abu Hafs, as Caussin de Perceval⁶⁹ and Martorana⁷⁰ supposed, still less the unknown Ahmad of Rampoldi,⁷¹ but he

⁶¹ I take this information from Professor Margoliouth's preface to the facsimile edition recently published by the Gibb Trustees.

⁶² fo. 47', l. 3. I owe the reference to Mr. Amedroz.

⁶³ Yaqut (i. 337) gives the extract from Ibn Yunus in a shorter form, omitting the *nisba*. This is followed without obvious break by a long account of the recovery of Crete in 961; but this cannot be the work of Ibn Yunus, who died in 958. It ends with the statement that Crete was then in the hands of the Franks, which must have been written after 1204 and is probably Yaqut's own addition.

⁶⁴ p. 236 (Vasilyev, i, app., p. 4).

⁶⁵ Amari, *Bibl. arabo-sicula*, p. 432.

⁶⁶ Ed. Dozy, i. 106 = Amari, p. 358.

⁶⁷ *Storia dei Musulm. di Sicilia*, i. 320; followed by Vasilyev, p. 175.

⁶⁸ Theoph. Cont., v. 62.

⁶⁹ *Hist. de Sicile*, ap. Riedesel, *Voyages*, p. 413.

⁷⁰ *Notizie Storiche*, i. 43.

⁷¹ *Annali Musulmani*, iv. 315.

was in all probability Shu'aib. It only remains to consider how 'Ali came into collision with the Cretan Arabs. It is very likely that the statement of Ibn 'Adhari that he raided Crete is a mere blunder,⁷² such as from the indistinctness of the writing often occurs in Arabic writers ; and in that case we may suppose that he was raiding the mainland of Greece or the islands, and that the *amir* of Crete, considering this as poaching on his preserves, attacked him. The account of Ibn 'Adhari is not, however, impossible. It is certainly most unlikely that 'Ali set out with the intention of attacking Crete : the fact that the *amir* had a fleet at hand would be sufficient to prevent this, and, while there was plenty of imperial territory to raid, it is not probable that he would deliberately attack an island under Moslem rule. He may, however, have been driven by the weather to put in at Crete ; and, with men out for plunder and short of provisions and among a population which was mainly Christian, looting would naturally follow. Unfortunately Ibn al Athir, who used the same source as Al Nuwairi and Ibn 'Adhari for Sicilian affairs, is here silent, and, as our only Greek source, the Cambridge Chronicle, merely says ἐπιάσθησαν τὰ καράβια τοῦ 'Αλή,⁷³ we have no means of determining the question.

I conclude with another short notice of Abu Hafs which follows the extract from Al Baladhuri in Yaqt (i. 337) :

And others besides Al Baladhuri say : ' Crete was conquered in the early days of Al Mamun ' [813-33], and it is said ' It was conquered after the year 250 [13 February 864—1 February 865] through the instrumentality of 'Amr the son of Shu'aib who was called Ibn al Ghaliz ; and he was one of the men of the village of Butruh in the district of Fahs al Ballut in Spain, and his issue inherited it for many years.'

This closely resembles the notice quoted from Ibn Hazm by Al Humaidi.

E. W. BROOKS.

⁷² Vasilyev, p. 175, n. 4.

⁷³ A.M. 6366. This confirms Al Nuwairi's account of the result. The version of Ibn 'Adhari is a misunderstanding, and the two narratives cannot be combined as is attempted by Amari and Vasilyev.

*The Publication of Great Charters by the English Kings**

THE royal charter of liberties is an expansion of the oath made by the king at his coronation, to protect the church and the people committed to his charge, to rule justly and give good laws, and to put down evil customs. In some of the coronation charters granted by the English kings it was deemed sufficient merely to confirm in general terms the liberties and good laws which the people had received from their predecessors. This was the form taken by the coronation charters of Stephen and Henry II. But on one occasion the charter took a more elaborate form. This was when Henry I assumed the throne under a doubtful title. His example was followed by Stephen when it became certain that his tenure was not unchallenged. It was followed again by John when in circumstances which are familiar he was constrained to issue his great charter. These three charters stand by themselves. The last remains for all time the Great Charter, and the first also was given that name in the thirteenth century.¹ That the second charter of Stephen is not so designated is probably to be accounted for by the fact as related by Henry of Huntingdon: 'These things he vowed, but none of them he kept.'²

The charter of Henry I has been the subject of a minute study by Professor Liebermann.³ He examined twenty-eight transcripts, but no original could be discovered. By a comparison, however, of these copies he was able to arrive at the conclusion that, when the charter was first drawn up, one original was deposited in the treasury at Winchester,⁴ which he thinks bore a general address. A large number of other originals were sent out to all the counties of England. We have the text of one transcript addressed by the king to the bishop and sheriff, 'to Samson the bishop and Urso of Abetot the sheriff and all his barons and faithful men, as well French as English born, of Worcestershire'; and we have one

* This paper was read at the International Congress of Historical Studies at London on 3 April.

¹ *Transactions of the Royal Historical Society*, New Series, viii. 21, 1894.

² *Hist. Angl.* viii. 3, p. 258, ed. T. Arnold, 1879.

³ *Transactions*, as above, pp. 21-48.

⁴ Richard of Hexham, in *Chronicles of Stephen*, &c., ed. R. Howlett, iii. 142.

copy addressed to a sheriff alone, 'to Hugh of Buckland the sheriff and to all his faithful men, as well French as English, in Hertfordshire.' These charters were no doubt preserved in the cathedral church of Worcester and in the abbey of St. Albans. There are, further, indications more or less definite which point to originals once existing at Canterbury, Rochester, Malmesbury, Bury St. Edmunds, Peterborough, York, and Hexham, and presumably representing charters sent to the counties of Kent, Wiltshire, Suffolk, Northamptonshire, Yorkshire, and Northumberland. The statement, therefore, of Roger of Wendover that 'as many charters were made as there are counties in England, and by the king's command they were deposited in the abbeys of every county as a memorial,'⁵ is confirmed by the copies preserved. Matthew Paris, who repeats the words of Wendover with some interpolations, goes on to say that after a time the king regretted his grant of the charter and by various artifices (*diversis viribus vel fallaciis*) recovered all the specimens, leaving them only at Canterbury, St. Albans, and York.⁶ Whether there is any vestige of foundation for this statement we have no means of knowing; but it is clear that the shape which it has taken represents a local tradition or fiction subserving the interests of the dignity of the abbey of St. Albans. The form of the address in the two instances in which it appears may be taken as evidence that the originals were addressed to the bishop and sheriff, if the county had a cathedral city, and if it had not to the sheriff alone. The example of Malmesbury may point to the fact that a county like Wiltshire, which possessed not only a bishop's see but also a monastery of the first importance like Malmesbury, would receive more than one original. Whether all these charters were separately attested it is difficult to say. The transcripts show some differences in the order of the names of the witnesses; the Worcester text has two names which are not found elsewhere, and the Rochester text has at least one.⁷ Dr. Liebermann inclines to the opinion that 'only one series of witnesses was authentic'. But it is possible that an examination of the charter of Stephen may lead to another conclusion.

The preservation of what I take leave to call the 'great charter' of Stephen granted at Oxford early in April 1136⁸ is very different from that of Henry I's coronation charter. Two originals of it exist, and these originals still remain in the

⁵ *Flores Historiarum*, ii. 164, ed. H. O. Coxe, 1841.

⁶ *Hist. Anglorum*, i. 180 f., ed. F. Madden, 1866.

⁷ I think with Dr. Liebermann, p. 25, that the name of Bishop Gundulf is an interpolation in the Rochester copy; nor can I doubt that Gilbert Crispin has been foisted into the corrupt text traceable to Westminster.

⁸ See J. H. Round, *Geoffrey de Mandeville*, pp. 23 f., 1892.

places where they were deposited at the beginning, in the cathedral churches of Exeter and Salisbury.⁹ The Exeter charter may be seen in an engraved facsimile prefixed to the first volume of the *Statutes of the Realm* published by the Record Commission in 1810, and it was this text which was taken as the basis of the edition.¹⁰ The Salisbury original seems to have escaped the editors' attention; it has been briefly described in a Report of the Historical Manuscripts Commission.¹¹ Besides these two it has long been known that a third original was once in the possession of Thomas Hearne, the Oxford antiquary, who printed it in an appendix to his edition of William of Newburgh;¹² but, as Sir William Blackstone remarked in 1759, 'what is now become of it is uncertain.'¹³ It is, however, mentioned in Hearne's own catalogue of his manuscripts now in the Rawlinson collection in the Bodleian library,¹⁴ and is there described as '17. An old Charter of King Stephen's (dated at Oxford an. 1136) by which he grants and confirms divers Privileges to the Church of Hereford'. But the charter itself is not in the Bodleian. It was brought to light three or four years ago, when, on the death of Dr. James Bellamy, President of St. John's College, Oxford, his library came to be examined. Among his books was a portfolio of twenty-nine documents of various dates, entitled in Hearne's handwriting 'Things relating to Hereford', and no. 17 in the series, exactly as stated in Hearne's manuscript catalogue, is the charter of King Stephen. It bears the endorsement *De libertate Her[efordensis] ecclesie*; and this explains why Hearne should have stitched it into a volume of Hereford documents, and also why he described it as granting privileges to the church of Hereford. But it is in fact a third original of Stephen's great charter, the exemplar which was deposited for custody in the church of Hereford.

Now it must be admitted that while the preservation of three originals of this charter, two of them in the places to which they were at first entrusted, is a remarkable fact, the charter does not present the same interesting features of Henry I's charter. It is

⁹ The fact that the site of the church at Salisbury was removed in the thirteenth century from the hill to the plain involves no break in the historical continuity of the custody of the document.

¹⁰ The Exeter original is exhibited in the cathedral library with a label describing it as 'the only authentick copy known to be now subsisting'. It is endorsed 'Carta Stephani Regis de Libertatibus Ecclesie Angl' et Regni'. Compare my note on it in the *Historical Manuscripts Commission, Report on Manuscripts in Various Collections*, iv. (1907) 43.

¹¹ See my account in the *Report on Manuscripts in Various Collections*, i. (1901) 384 f. The document is exhibited in a glass case in the cathedral muniment room.

¹² -p. 711, 'charta quaedam antiqua et authentica penes me.'

¹³ *The Great Charter and Charter of the Forest*, intr., p. iv, note c, Oxford 1759.

¹⁴ Rawlinson MS., D. 1168, pp. 143-6.

not addressed differently according to the persons who were to take charge of it. And the explanation of this is that it is not addressed at all. It is in fact a very peculiar document. It looks as though a scribe familiar with the style of French charters had attempted to produce a diploma in the Old English form. Anyhow, the address is absent: the king starts at once by declaring what he promises to do; he does not notify this to any one. Nevertheless, the charter was manifestly circulated; and the originals at Exeter and Salisbury and that once at Hereford are no doubt specimens of similar charters preserved at least in all cathedral churches, and, it may be assumed, deposited there on behalf of the counties: so that it is a natural inference that the same procedure was adopted in the case of Stephen's great charter as in that of Henry I's. There are also signs of the charter having been accessible at Canterbury¹⁵ and Malmesbury.¹⁶

A comparison of the three originals leads to the conclusion that no attempt was made at uniformity in their execution. As for size, the Salisbury document measures $11\frac{1}{2}$ by $7\frac{3}{4}$ inches, the Hereford one 10 by $8\frac{1}{2}$, and that at Exeter $10\frac{1}{2}$ by $4\frac{3}{4}$. Then the text of the charter at Exeter is written continuously: at Salisbury it is marked for division into ten paragraphs. The Salisbury document is written in a more handsome shape than that at Exeter; and the Hereford document is much more contracted. Again, the titles of the witnesses are described in different forms: at Exeter the bishops place the adjective of their see before the word *episcopo*, at Salisbury and Hereford they place it after it; there are several variations in detail in the witnesses of the earls, and in the Salisbury document the order is in one case transposed. The Hereford original disagrees with the others in inserting the name of Roger of Fécamp immediately after the chancellor and Henry the king's nephew, and before the earls. Now Roger of Fécamp appears as a witness to Stephen's grant to Winchester of the church of Sutton,¹⁷ which was made at Easter in the same year 1136,¹⁸ and then he signed between the chancellor and the king's nephew and was designated *capellanus*.¹⁹ We must therefore conclude either that his name

¹⁵ It is cited in the *Statutes of the Realm*, Table of Charters, from two registers there, v and ix: these indications, however, do not correspond to any existing press-marks of Registers at Canterbury.

¹⁶ William of Malmesbury, *Hist. novella*, § 464, vol. ii. 541 f., ed. W. Stubbs, 1889, gives the text of the charter, adding 'Nomina testium, qui multi fuerunt, apponere fastidio'.

¹⁷ Hearne, *Liber niger Scaccarii*, p. 810.

¹⁸ Round, pp. 18 ff., 263.

¹⁹ The order in Hearne's text is violently distorted. Apparently in the original there were three columns: the bishops and chaplains were given in the middle, the earls and the officials on the left hand, and the barons on the right. The transcriber wrote out these columns continuously, and hence placed the archbishops after the

has been accidentally omitted in the Exeter and Salisbury originals, or else that even in charters of a specially solemn kind uniformity in the list of witnesses was not invariably preserved.²⁰ A discrepancy of greater interest occurs in the date, where, after the year of the incarnation, the Exeter and Salisbury texts read 'sed regni mei primo', but the Hereford manuscript has 'in communi concilio'. Finally, while the Hereford document retains a portion of the great seal and that at Exeter has green and yellow silk strings to which a very small fragment is attached, the Salisbury document shows no signs of ever having had a seal at all.

It may be remarked that though the charter was certainly sent out to three cathedral churches and was no doubt published in every county, its provisions did not become well known. Indeed, the account of them given by Henry of Huntingdon states rather what people may have wished the king to do than what he in fact said he would do. Henry says²¹ that the king vowed, first, not to hold back the temporalities of sees in his hands (which is substantially correct); secondly, that he would not retain the forests of clerk or layman as King Henry had done (which is quite different from what Stephen promised); and thirdly, that he would never again levy Danegeld (about which there is not a word in the charter). It is possible that Stephen's inability to observe his engagements led to their terms being forgotten, so that a legend grew up as to what he might be presumed to have promised.

Passing now to our third Great Charter, that of John, we need hardly mention that the mode of its promulgation was quite anomalous. Although in terms a grant by the king to the church and people, its execution was entrusted to a commission of nine prelates and Master Pandulf: 'We have caused to be made for them [the clergy and lay folk] the letters testimonial patent of the Lord Stephen archbishop of Canterbury, of the Lord Henry archbishop of Dublin, and of the bishops aforesaid, and of Master Pandulf, as touching this security [that is, the appointment under clause 61 of twenty-five barons for safeguarding the provisions in the charter] and the concessions aforesaid.' These letters testimonial are transcribed in the Red Book of the Exchequer,²²

stewards. Cf. Round, p. 264, n. 1. Hearne took his text from an original in the duchy of Lancaster, which, however, does not appear in the calendar appended to the *31st Report of the Deputy Keeper of the Public Records* (1870), and which I have not been able to trace.

²⁰ It is by a scriptural error that the Salisbury document mentions William de Albin' fourth from the last, in place of William de Albamarla. William de Albinacio has already appeared higher up in the list.

²¹ *Hist. Angl.* viii. 3, p. 258.

²² Fo. 234: see the *Statutes of the Realm*, i, Table of Charters.

and contain the text of the charter interposed between the opening and concluding formulae. But no original specimen of them is known to exist. The charter, however, is found in a separate form in four originals, and it may be doubted whether the letters testimonial as sent out did not accompany the full solemn text of the charter, instead of (as recorded in the Red Book) merely incorporating a transcript. Otherwise it would be difficult to account for the total disappearance of all the texts said to have been recited in the letters. Two of these originals of the charter are still preserved in the cathedral churches in which, we may believe, they were deposited in 1215, at Lincoln and Salisbury. The *provenance* of the two others, now in the Cottonian collection at the British Museum, cannot be traced. One of them was irreparably damaged in the fire of 23 October 1731; but before this calamity John Pine who made an engraving of it, had examined the seal, which is now a shapeless lump of wax, and certified that it was the great seal of John.²³ The other has slits for three seals, but none remains.²⁴ The originals at Lincoln and Salisbury show no trace of any seal at all. It may perhaps be conjectured that the great seal was attached to the original kept in the exchequer. The chroniclers of the time also speak of the charter having been dispatched throughout the land: Ralph Coggeshall says, to every county 'so that each county of all England should have its charter in the same terms confirmed by the king's seal';²⁵ and the Annals of Dunstaple, 'deposited in every see in a safe place.'²⁶ There is here no real discrepancy: the charter, like Henry I's, was to be entrusted to the cathedral church, if there was any in the county; if there was none it would, according to analogy, be kept in a monastery. But Coggeshall's assertion that the king's seal was attached to every specimen cannot be substantiated.

The charter was not merely circulated; it was proclaimed. On 19 June the king issued letters patent to the sheriff and other royal officers in every county ordering that the charter should be read publicly throughout their bailiwicks.²⁷ The procedure with regard to preceding charters suggests that what was sent to the sheriff was an original of the charter itself. But on no

²³ The engraved facsimile [1733] may be seen in the Bodleian Library, Gough Maps 41 n, p. 23. The twenty-five coats of arms on each side of the plate are Pine's own ornamentation, and do not represent seals, as M. Bémont states (*Chartes des Libertés Anglaises*, 1892, p. 25).

²⁴ See the facsimile published by the trustees of the British Museum.

²⁵ *Chron. Anglic.*, p. 172, ed. J. Stevenson, 1875. Walter of Coventry says 'Deferebatur interim exemplar illius cartae per civitates et vicos, et iuratum est ab omnibus quod eam observarent,' *Memoriale*, ii, 222, ed. W. Stubbs, 1873.

²⁶ *Annales monastici*, iii, 43, ed. H. R. Luard, 1866.

²⁷ *Rotuli Patentes*, i, 180 b.

previous occasion was it commanded that the charter should be publicly proclaimed in the county court or in any other court. We have difficulty in believing that so long and technical a document as Magna Charta could have been actually read aloud in Latin in the county courts; and when we follow the text of the document which orders this reading, we may infer that its essential purpose was to enjoin obedience to the twenty-five guardians of the charter and to provide for the election of persons to inquire into and to abolish the evil customs practised by the royal officers. No such conclusion, however, can be drawn from the mode in which Henry III ordered his first confirmation of the charter, dated on 11 November 1216, to be proclaimed; for the writ which he issued to the sheriffs seven months later, on 23 June 1217, contained only a command to cause the charter to be read in the county court and the liberties contained therein to be firmly observed.²⁸

Still, it is possible that the procedure actually contemplated was not unlike that which we know to have been adopted in regard to the Provisions of Oxford in 1258. On that occasion, it is true, no attempt was made to rehearse the lengthy text of the document; but a proclamation was issued on 18 October, declaring the king's will that whatsoever the elected council did should be established for ever, that all persons should maintain the same, and that any one who opposed it should be accounted his enemy: to which end letters patent were sent to every county, and these were drawn up in Latin, French, and English.²⁹ Of the Latin text I do not know that any copy is preserved, but the French and English are recorded on the Patent Rolls.³⁰ The English letters as enrolled are those addressed to Huntingdonshire; an original addressed to Oxfordshire is preserved among the muniments of the city of Oxford.³¹ In the enrolment a note is added stating that the document was sent in the same words into every shire in England and also into Ireland. Although there is here no mention of any public reading of it, still the fact that the letters were circulated in more than one language can hardly imply anything but that they were designed to be so read. In the absence of direct evidence we cannot assert that a similar method of publication was adopted in the case of the Great Charter of John, but it seems on the whole not improbable,

²⁸ *Rotuli Litterarum Clausarum*, i. 336 a, from the roll of Henry's first year, m. 15 d. Blackstone, p. xxxiii, n. b, erroneously gives m. 10 d, and reads *cartas* where the roll itself has *cartam*. But the construction of the clauses following is evidently faulty, as *cartam libertatum* continues first with *quas* and afterwards with *quam*.

²⁹ Burton Annals, in *Annales monastici*, i. 453, 1864.

³⁰ Rymer's *Foedera*, i. 377 f., ed. 1816.

³¹ See a facsimile prefixed to O. Ogle's *Royal Letters addressed to Oxford*, 1892. The text was printed by the late Dr. W. W. Skeat in *The Academy*, xxi. 338, 13 May 1882.

though I would not venture to express an opinion as to the language in which the proclamation was made.

The first two confirmations of the Charter by Henry III were dispatched through the country in the accustomed manner. An original of that of 1216 is preserved at Durham.³² From 1217 onwards we have to do not with the single Charter but with the Charters, because the articles dealing with the forest were removed and expanded into a separate charter; but it need not be doubted that the two were sent out together, although they have now in most cases parted company. Indeed, of the Charter of the Forest only one specimen, a damaged parchment at Durham, is known,³³ and of the Charter of Liberties but one original has been hitherto noticed. This is a beautiful charter, still retaining the seals both of the legate and of the earl marshal, preserved in the Bodleian Library and believed on insufficient grounds to have come from the abbey of Gloucester.³⁴ The same library, however, possesses two other originals, which are traceable to Oseney Abbey; one of them still bears the seal of the earl marshal, and the other that of the legate.³⁵ They show at least one variation from the text printed from the supposed Gloucester original.³⁶

In 1225 we have the charter, very slightly altered from that of 1217, which became the definitive one; and in all subsequent years, as is well known, where we read of the confirmation of the charters, it is to 1225 that we have to go back. The two charters of that year are preserved at Durham, and the Charter of Liberties is also still kept at Lacock Abbey in Wiltshire.³⁷ This latter is endorsed *Ex deposito militum Wiltisir*:³⁸ that is

³² *Statutes of the Realm*, ii, Charters of Liberties, p. 14, and Table of Charters.

³³ *Ibid.*, Charters of Liberties, p. 20, and Table of Charters.

³⁴ The main reason for thus attributing this charter (Gloucester charter 8) is that it was bequeathed to the library in 1753 by Archdeacon Richard Furney, who had been for five years master of the crypt school at Gloucester a generation earlier.

³⁵ They are now marked Oseney Charters 142*, and 142**; their older marks were Oseney 13 and 14.

³⁶ In the sealing clause they differ from the printed text in the *Statutes of the Realm*, i, Charters of Liberties, p. 17, but agree substantially with that of the London Liber Custumarum, of which Blackstone gives a collation, p. 46.

FURNEY CHARTER

'Quia vero nondum habuimus sigillum hanc [] sigillis domini legati predicti et comitis Willelmi Marescalli rectoris et regni nostri fecimus sigillari.'

OSENEY 142*

'Quia vero sigillum non dum habuimus presentem cartam sigillis venerabilis patris nostri domini Gual' tituli sancti Martini presbiteri cardinalis et Willelmi Ma[] rectoris nostri et regni nostri fecimus sigillari. Testibus prenominationis et aliis multis.'

In the Furney Charter a blank space is left after *hanc*, and *nostris* is omitted after *rektoris*. The gap in the marshal's name in the Oseney Charter 142* is due to a hole in the parchment; 142** has 'Maresc. com. Pembroc' undefaced.

³⁷ *Statutes of the Realm*, Charters of Liberties, pp. 22, 26, and Table of Charters.

³⁸ Blackstone, intr., p. xlvii.

to say, after it had been received by the sheriff and communicated to the county court, it was entrusted to the abbey of Lacock for safe custody. When the charters were confirmed in January 1237 they were not recited ;³⁹ but in February 1252 they were set out at length. In March 1265 the Charters were confirmed by letters patent which included a number of supplementary provisions necessitated by the circumstances of the time, when the king was not a free agent. This document recites that the two charters had lately been transmitted under the king's seal to all the counties : these were sent out in the form of *Inspeximus*, and transcripts of the originals addressed to Middlesex and to Somerset and Dorset are still in existence.⁴⁰ The letters of confirmation state that the charters and ordinances were dispatched to every county 'to be kept for a record in the charge of trustworthy men chosen for the purpose'.⁴¹ No doubt they deposited them in the cathedral or in some abbey church of their shire. It was ordered that they should be published in the county court next after Easter and Michaelmas, and so year after year.

The famous confirmation of the Charters by Edward I in 1297 was made in several stages. It was executed by his son on 12 October by two charters of *Inspeximus*, which were circulated and were enrolled on the Statute Roll.⁴² An original of the Charter of Liberties, with the order to the sheriffs of London for its publication, is preserved at the Guildhall.⁴³ Then the king himself at Ghent on 5 November issued letters patent ordering that the charters should be dispatched to all his officers and to all towns throughout the country, and that they should be sent to the cathedral cities and read before the people twice a year.⁴⁴ On 28 March 1300 another *Inspeximus* was issued, of which three originals are preserved ;⁴⁵ and on the same day writs were sent out to all the sheriffs requiring them to have the charters read in full county court four times a year and publicly proclaimed.⁴⁶ On 14 February 1301 Edward I again confirmed the charters by letters patent, but he did not recite them, nor was there any order for their publication.⁴⁷ The function of the county courts was in fact now transferred to parliament ; and from the beginning of the reign of Edward III the Statute Roll of each session normally opened with an express confirmation of the Great Charter of Liberties and of the Charter of the Forest. This continued to

³⁹ *Statutes of the Realm*, i, Charters of Liberties, p. 28.

⁴⁰ *Ibid.*, Table of Charters.

⁴¹ *Ibid.*, Charters of Liberties, p. 32.

⁴² *Ibid.*, i. 25 Edward I, pp. 114-22.

⁴³ *Ibid.*, Charters of Liberties, pp. 33-6 ; cf. Blackstone, *intr.*, pp. lxi, lxii.

⁴⁴ *Statutes*, Charters of Liberties, p. 37.

⁴⁵ Blackstone, *intr.*, p. lxx.

⁴⁶ *Ibid.*, pp. 85 f.

⁴⁷ *Prynne's Records*, iii. 648, 1670 ; *Calendar of Close Rolls, 1296-1302*, p. 396, 1906.

be the usual, though not the invariable, custom down to the end of the reign of Henry IV. Under Henry VI, in his second year, the form is changed to a general confirmation of 'liberties and franchises', but after this the practice, which had become a matter of common form, was abandoned. At the same time, it was still customary to send out exemplifications of statutes under the great seal to the sheriffs, with writs annexed ordering their proclamation and publication, and sometimes also directing copies to be made and distributed;⁴⁸ but this was the publication not of the king's charters but of Acts of Parliament.

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⁴⁸ *Statutes of the Realm*, i, intr., p. xlv. 'Sometimes', it is added in a note, 'the knights, citizens, and burgesses were simply charged upon their return into the country to shew and publish to the people the matters agreed on in parliament.' A reference is given to the Parliament Roll of 37 Edw. III, no. 38.

The Trading Privileges of the Royal Burghs of Scotland

DIFFERENCES in the development and constitution of English and Scottish burghs have been pointed out and emphasized. The individual Scottish burgh in its internal constitution and administration is said to have resembled continental models more closely than English. Collectively, too, the Scottish burghs seem to have had some features for which no direct analogies are to be found amongst English towns. They were divided into royal burghs, holding of the Crown, and burghs of regality and barony, holding of subject superiors, clerical or lay; and the differences between the two classes, both legal, in matters of jurisdiction and land tenure, and economic, were considerable. The connexion of the royal burghs with the Crown was maintained and their uniformity of administration preserved by the annual visit of the chamberlain, who inquired into matters of burghal administration. Appeal lay from his decision in the burgh to the court of four burghs, where he presided, assisted by representatives from Edinburgh, Stirling, Berwick, and Roxburgh; Lanark and Linlithgow being substituted in the fourteenth century for the border towns, which were often occupied by the English. As an offshoot or a development of this court and of other meetings of burghal commissioners, there appears later the convention of the burghs, which in the sixteenth century had become a burghal parliament from which the royal officer had disappeared, managing the commercial affairs of the burghs and regulating many other aspects of their activity, thus making for homogeneity of development. Legislation, both the early burghal code known as the laws of the four burghs, and many laws of the Scottish parliament affecting the burghs, tended to produce a similar result.

The regulations of parliament and of the convention were much concerned with another apparently distinctive characteristic of the Scottish royal burghs, their monopoly of foreign trade and of domestic trade within certain areas, which con-

stituted the main criterion of burghs royal'. These commercial privileges were granted by charter, confirmed and added to by legislation extending over a period of five centuries; maintained by the decrees of king and council, by the efforts of the convention, prosecution in burgh courts, and appeals to the court of session.

The references to burghs in David I's grants to the church, and to their rights in his reign in later charters, show both that they existed in his day, and also that they had then some economic privileges. The earliest charters in existence to Scottish burghs are those of William the Lion, and these are very largely concerned with grants of commercial privileges. A number of the king's burghs were given exclusive rights of trade and of the manufacture of cloth within a whole sheriffdom or within large bounds. Perth, for example, had a monopoly of trade in the sheriffdom of Perth; Inverness, in that of Inverness. There seem to be few analogous grants of trading rights to English or to French towns, and only very occasional grants of a manufacturing monopoly.¹

William the Lion's charter to Perth was a model for some other grants, and the privileges which it gave were considerable. No stranger merchant was to buy or sell anything within the sheriffdom of Perth and without the burgh, but was to bring his goods to the burgh of Perth and sell them there. He was not to cut his cloth for sale in the burgh except between Ascension Day and the feast of St. Peter ad Vincula (1 August), between which days he might buy and sell cloth and other merchandise in the market. No stranger might buy or sell wool or hides unless within the burgh. No one dwelling without the burgh and within the sheriffdom was to make cloth dyed or shorn within the sheriffdom but the burgesses of Perth belonging to the gild, except those who had this liberty by charter. There were to be no taverns in towns within the sheriffdom except where a knight was lord of the town and dwelt there, and he was only to have one.² Aberdeen was given the liberties which had been granted to Perth, with the addition of the grant of a weekly market, and the king's peace to all who came to it. This charter was granted saving the rights which had before been given to burghs and burgesses in the bailiwick of Aberdeen,³ but in later days there did not seem to be any exceptions to the monopoly of the Aberdeen burgesses in the sheriffdom.

¹ See A. Ballard, *British Borough Charters*, pp. 168-70, 209-14; I. L. A. Diegerick, *Inventaire des Chartes et Documents appartenant aux Archives de la Ville d'Ypres*, i. 245, 291—grants to Ghent of the monopoly of making cloth within five leagues of the town, except in free towns (1314); and to Ypres of a similar monopoly within three leagues (1322).

² *Acts of the Parliament of Scotland*, i. 76.

³ *Ibid.* i. 77-8.

Charters giving much the same privileges over a whole sheriffdom were granted, mostly in the thirteenth century, to Inverness,⁴ Haddington,⁵ Dundee,⁶ saving the rights of other burghs within the sheriffdom of Forfar, Lanark,⁷ Stirling,⁸ Linlithgow,⁹ Edinburgh.¹⁰ In a charter of confirmation to Peebles in 1621, the privileges enumerated included the power of using the trade of merchandise in all places within the bounds of the sheriffdom of Peebles, and forbade any non-burgess to occupy any merchandise belonging to a free royal burgh within these bounds.¹¹

Other royal burghs were granted large tracts of territory outside the actual burgh with exclusive commercial rights within these areas. Rutherglen had wide boundaries, within which nothing was to be sold unless it had been first at the burgh of Rutherglen.¹² Ayr and Irvine both had rights over a large part of the neighbouring country. The territory of Inverkeithing stretched from the water of Leven to the water of Devon, and David II's grant specified the right of the burgesses of arresting any one who used merchandise within these limits to their prejudice.¹³ Montrose had wide boundaries,¹⁴ as had Cupar, saving the liberties and rights of St. Andrews and Dunfermline¹⁵, and Dumbarton.¹⁶ Dunbar was granted reciprocal trading-rights with Haddington in the earldom of March.¹⁷ Other privileges relating to trade and industry were also granted to the burghs. Most of them were freed from payment of toll or custom throughout the country, granted liberty to have a market, and given authority to have a gild merchant, sometimes with the exception of the weavers and waulkers. The well-known charter of William the Lion granting to his burgesses of Aberdeen and of Moray and all his burgesses north of the Mounth their free 'anse' where they will and when they will, has been interpreted to mean that there was a confederation of towns in the north, but Dr. Gross considers

⁴ *Acts of the Parliament of Scotland*, i. 79; confirmed by the Golden Charter of 1591-2, *Records of Inverness* (New Spalding Club), i, pp. lxxii-iii.

⁵ *Charters and Writs concerning the Royal Burgh of Haddington*, pp. 1-3.

⁶ *Charters, Writs, and Public Documents of the Royal Burgh of Dundee*, pp. 9-11.

⁷ *Extracts from the Records of Lanark*, pp. 308-9.

⁸ *Charters and other Documents relating to the Royal Burgh of Stirling*, pp. 7-9.

⁹ *Records of the Convention of the Royal Burghs of Scotland*, iii. 549.

¹⁰ *Report of the Commissioners on Municipal Corporations in Scotland*, 1835, part i, pp. 281-2.

¹¹ *Charters and Documents relating to the Burgh of Peebles* (Scottish Burgh Records Society), pp. 76-100.

¹² *Acts of the Parl. of Scotland*, i. 76.

¹³ *Munic. Corp. Rep.*, 1835, Appendix to General Report, pp. 8-9.

¹⁴ *Report of the Commission on Historical Manuscripts*, ii. 205-6.

¹⁵ *Charters and other Muniments belonging to the Royal Burgh of Cupar*, pp. 6-8.

¹⁶ Joseph Irving, *History of Dumbartonshire*, 2nd edition, pp. 173-83.

¹⁷ *Registrum Magni Sigilli*, i. 119-20.

it more likely to refer to a general grant of a gild merchant or right to impose 'hanse' tribute on merchants.¹⁸

Several of the burghs which were not on the coast but had boundaries reaching to the sea were granted the right of having a port in their territory. Edinburgh, the most famous example, had Leith; ¹⁹ Linlithgow had Blackness; Elgin had free entry and exit in the ports of Lossie and Spey; ²⁰ Cupar had a free port in the water of Motray; ²¹ Haddington had free access to a harbour which seems to have been Aberlady.²²

It is probable that trade was already centred in these royal burghs, and that no other places, except a few towns which had grown up near a cathedral or abbey, had any share in it at the time the charters were given. Trade may have been made more secure by the provision that the merchant, who was granted the king's protection in going to and coming from the market, should bring his goods to the largest and probably the most settled place in the district. Then, too, the concentration of foreign trade was useful for fiscal purposes, as it made the collection of customs easier and cheaper; hence originally import and export were allowed only at royal burghs. There are a few exceptions in the fourteenth and fifteenth centuries. David II, wishing to provide a remedy because the merchants of England and Berwick and Roxburgh 'qui sont [*sic*] ad fidem regis Anglie emunt et de regno nostro abducunt lanas et coria ac alia bona et mercimonia de quibus custuma nobis debetur, nullam custumam nobis inde solventes, ex eo forte quod burgus noster de Hadyngtona et customarii ejusdem sunt a marchiis regni nostri plusquam hiis diebus expediret remoti . . .', ²³ granted to the earl of March the right of having a free burgh at Dunbar, and a free port with free entry and exit. The king's customars were established there, and a tron for weighing wool set up. Dunbar, therefore, was made a free burgh because of the necessity for a place for the collection of customs in that neighbourhood, and it seems to have ranked as a royal burgh from about this time. Some of the church burghs, too, were allowed to have trons and customars.²⁴ The royal burghs did not enjoy

¹⁸ Gross, *Gild Merchant*, i. 197; *Acts of the Parl. of Scotland*, i. 77.

¹⁹ *Charters of Edinburgh* (Scottish Burgh Records Society), pp. 16-17.

²⁰ *Records of Elgin* (New Spalding Club), ii. 456-7. ²¹ *Charters of Cupar*, p. 6.

²² *Charters of Haddington*, pp. 5-6, 10-12, 24-5.

²³ *Reg. Magn. Sig.* i. 119-20.

²⁴ The great custom of Inverness was granted to Thomas Randolph, earl of Moray, by Robert I (*Reg. Magn. Sig.* i. 444-6), and was received by him and his two sons who succeeded him. Their sister, the countess of March, and her husband kept possession of the earldom on their death without issue, but do not seem to have retained the customs (*Exchequer Rolls of Scotland*, ii. lxxv-vi, nn. 5, 2). The earldom was bestowed on John of Dunbar, younger son of the late earl of March, in 1371-2, but the great custom of the northern burghs was excluded from this grant (*Excheq. Rolls*, ii. lxxxi-ii; *Reg. Magn. Sig.* i. 191-2).

these advantages without corresponding burdens : the exclusive privileges 'were regarded as peculiarly the consideration, in respect of which, the royal burghs of Scotland, as one of the separate estates of the realm, were subjected to a definite portion of the public burdens of the kingdom'.²⁵ It was of advantage to the king that foreign trade should be restricted to his burghs and that they should prosper. William's charter to Perth declared that 'omnes qui manent in burgo meo de Perth et cum burgensibus meis communicare voluerint ad forum communicent cum illis ad auxilia mea reddenda cuiuscunque homines sint'. The royal burghs paid a proportion, fixed later at one-sixth, of taxes granted to the Crown, and their share of taxation is often given, both by the Crown and the burghs, as a reason for the maintenance of their privileges. Military service, too, was expected of them ; and in the sixteenth century and later they were obliged to maintain prison houses. The few burghs holding of the church, which, originally receiving certain rights of import and export, gradually came to rank as free burghs with the same privileges as royal burghs, were represented at the convention in the sixteenth century and paid their share of the taxation assessed by the convention amongst its members.

Early legislation supplemented the charters. In the laws of the four burghs, attributed to David I, and certainly codified before the latter part of the thirteenth century, the only important law dealing with foreign trade prohibited all 'uncouth' merchants from buying wool, hides, or any merchandise outwith a burgh, and from any within burgh except burgesses.²⁶ William the Lion's ordinances forbade prelates, kirkmen, earls, barons, or secular persons from buying wool, hides, skins, or such-like merchandise. These goods were to be sold to merchants of the burgh within whose sheriffdom the owners dwelt. Foreign merchants were forbidden to sell or buy without burgh, and were ordered to sell in gross and to the merchants of the burgh. The merchants were to have their merchant gild, and were to buy and sell within the liberties of their own burghs.²⁷ The privileges of the burghs as regards foreign trade were summed up in the charter granted by David II in 1364 to 'our burgessis throwcht all Scotland'. This gave them liberty to buy and sell everywhere within the liberties of their own burgh, and discharged them from buying or selling within the bounds of another without obtaining a licence. Foreign merchants were forbidden to buy or sell to any but the burgesses of the king's burghs. No bishop, prior, kirkman, earl, baron, or secular person was to buy any merchandise whatever,

²⁵ *Munic. Corp. Rep.*, 1835, General Report, p. 21.

²⁶ *Ancient Laws and Customs of the Burghs of Scotland* (Burgh Records Society), i. 9.

²⁷ *Ibid.* i. 60-2.

or sell any, except to the merchants of the burgh within whose liberty he resided.²⁸

In the fifteenth century, when Scottish trade was increasing, more laws giving trade privileges to the royal burghs were made. Laws of 1457, 1466, 1488 declared that the 'saylaris in merchandice be fre men of burowis and Induellaris with in the burghe', or their familiars, factors, or servants, who were 'with thame of houshald at mete and drink'; that no men of craft use merchandise unless he renounce his craft; that all ships must come to free burghs; and that strangers must not buy fish or other goods except at free burghs.²⁹ The act of 1503, 'Anent the fredomez and privilegis of merchandis and burrowis,' confirming generally all their privileges, laid down that no one dwelling without the burghs was to use merchandise, nor buy nor sell wine, wax, silk, spicery, nor staple goods; and that no one was to pack and peel (buy and sell) in Leith, nor in any other place without the king's burghs.³⁰ The rights of a burgh in its own shire were guarded by the declaration that 'All men aucht to sell thair geir in the burgh of the schire qr thaidwell vnder the pane of confiscatioun'.³¹ These laws were confirmed several times in the sixteenth century and some additions were made. In 1554 the lords of session were charged to give letters commanding that none of the lieges should violate these acts;³² and in 1592

foirsamekle as . . . It is statute and Ordanit that na persoun within this realme suld exerce the traffiq of merchandice bot the burgessis of frie burrowis Quhilkis haue nocht bene nor zit ar obseruit be reasone that thair is na penaltie irrogat to the personis contravenaris thair of,

all the acts were ratified, with the addition that

quhasoeur exerceis the said traffiq of merchandice nocht being frie burgess Thair haill guidis and geir sall becum, in eschaet the anc half to our souerane lord and the vther half to the burgh quhais commissioner or collector sall first apprehend the same.³³

Again, in 1607,

considering the great hurte and skaith daylie sustenit be the burgessis inhabitantis of his majesteis Royall burrowes wha vnderlyis and beiris all burdingis Imposit vpoun the estaitt of burrowes in all his majesteis seruices Throw the continuall incresce of vntrie traffiquerris . . . nocht being burgessis of the saidis Royall burrowes And neuirththeless keip and haldis oppin buthis buyis and sellis merchandice and vtherwayes vses the

²⁸ *Convention Records*, i. 540-1. ²⁹ *Acts of the Parl. of Scotland*, ii. 49, 86, 209.

³⁰ *Ibid.* ii. 245. The term 'staple goods' generally included hides, skins, plaiding, and other woollen manufactures, salmon, tallow, beef.

³¹ David Chalmers, *Scottish Law Dictionary*, 1566; Brit. Mus., Add. MS. 27472.

³² *Acts of the Parl. of Scotland*, ii. 543-4.

³³ *Ibid.* iii. 578.

Liberties and privilegis of frie burgesses. . . . In manifat defraude of our souerane lordis customes, And to the preiudice of the Liberteis of the saidis frie royall burrowes,

all persons not being burgesses of the free royal burghs were forbidden to use trade and merchandise, and letters of horning were to be directed thereupon, charging all unfreemen to find caution for obedience of the act.³⁴ All these acts were ratified and confirmed by the act of 1633, which declared these privileges to be competent only to free royal burghs which have vote in parliament and bear burden with the rest of the burghs; and prohibited all persons who were not burgesses of the said burghs and bearers of burdens in them from using their liberties.³⁵

The result of the charters and acts was to give the royal and free burghs a monopoly of all foreign trade, and of all domestic trade within their own bounds. As burghs which did not bear the burden of taxation were excluded from these privileges, so in each burgh were those inhabitants who did not reside within it and bear burden with the burgesses. Rights, therefore, had to be defended against unfree burghs which attempted to share in foreign trade or encroached on the burghs' privileges in their sherifffdoms or bounds; and against unfree men, dwelling either without or within burgh, who appropriated a trade to which they had no right and for which they bore no burden. The maintenance of these privileges was the work of the individual burghs, who appealed to king, council, parliament, or court of session in cases of infringement of their rights; and by internal regulation and administration endeavoured to prevent encroachments of unfree men within their own bounds. About the middle of the sixteenth century the regular meetings of the convention began, and it gave its members much valuable aid by assisting them with money and the concurrence of its agent in litigation, by urging burghs to prosecute unfreemen within their bounds, and by applying to king, council, and parliament for recognition or reassertion of their rights. The convention not only helped to maintain the privileges of its members, but also, perhaps its principal function, made arrangements for the management and conducted negotiations in the interests of their foreign trade. The commerce of the royal and free burghs was therefore organized by a national authority, and probably for this reason there were no regulated companies like the Merchant Adventurers formed in Scotland. The first Scottish commercial company of any importance was the Darien Company, a joint-stock enterprise of a modern type. Except in the trade to the Low Countries, where a staple was fixed and a conservator appointed, there were

³⁴ *Acts of the Parl. of Scotland*, iv. 375.

³⁵ *Ibid.* v. 42.

few restrictions as to the places to which Scottish merchants might trade. The convention occasionally appointed agents to assist them where they thought necessary, and by negotiation secured the grant and maintenance of privileges abroad, especially in France.

During the sixteenth and early seventeenth centuries the monopoly of trade seems to have done little to hinder Scottish commercial progress, for the unfree burghs had neither the desire nor the ability to share in foreign trade ; and its organization by the convention, in co-operation with the king and council, was successful. Scotland's failure to share in the new trade to the west was due rather to her want of capital than to her commercial organization, though on the whole the convention devoted itself rather to maintaining old lines of trade than to attempting to develop new routes. It was not, however, only concerned with commercial matters, and as trade grew both in scope and amount in the latter half of the seventeenth century, its regulation by a body of diverse interests and functions became less necessary and less effective. Other burghs, such as Greenock and Boness, grew up and began to take part in foreign trade and to encroach on the privileges of the royal burghs ; and the latter found their trade being taken while they were still liable for the whole of the burghs' share of taxation. Opinion towards the end of the seventeenth century was divided on the question whether the trade privileges were worth so much that every effort must be made to restrict their exercise by others, or whether the burdens of taxation were so great that as many as possible should be got to share them. The latter point of view triumphed in the eighteenth century. The burghs, having realized that the maintenance of their monopoly was impossible and impolitic, endeavoured to force the unfree burghs, which used their privileges, to pay a part of their burdens, a contest which died down towards the end of the eighteenth century, but was not finally determined till the act of 1846 threw trade open to all.

Mention has been made of the burghs which, holding of the church and occupying advantageous situations for trade, obtained certain privileges from the Crown and gradually, in spite of opposition from their neighbours, came to rank as free burghs, sending commissioners to the convention and enjoying the same trading rights as the royal burghs. A number of grants of freedom from toll were made to canons of monasteries and to burgesses of ecclesiastical burghs, but several places, St. Andrews, Dunfermline, Brechin, Arbroath, and Glasgow, obtained more extensive privileges. The citizens of St. Andrews were free to buy skins, wool, and hides everywhere within the lands of the bishop, including the burgh of Cupar ; and the bishop was granted the right

to have his own coquet and the great custom of all goods coming to the burgh or port of St. Andrews.³⁶

Robert I granted to the abbot and convent of Dunfermline the new great custom of all their lands within the kingdom. of the burghs of Dunfermline, Kirkcaldy, Musselburgh, and Queensferry, and their other lands, and permission to have their own coquet.³⁷ Letters patent were sent at the same time to the magistrates of Bruges, informing them that this coquet was to be received as 'our own proper seal'.³⁸ In 1363 a confirmation charter declared that the burgesses of these four burghs might buy and sell any goods in each of their burghs and within all the bounds of the whole regality of these religious men without any impediment from the king's burgesses.³⁹ David II granted them the liberty of having a port at Grange of Gellald or at Wester Rosyth for all sorts of merchandise, reserving to the Crown the great customs on goods without their bounds.⁴⁰ But the abbot and religious men soon exceeded their privileges, to the no small prejudice of the king's customs, and therefore their tron and custom were arrested, but the arrest was soon relaxed.⁴¹

The inhabitants of Brechin were granted free entry and exit in the waters of Southesk and Tay within the sheriffdom of Forfar, paying customs to the king, and the burgesses of Montrose and Dundee were forbidden to impede them.⁴²

Freedom of making the existing village into a burgh and of having a port and a weekly market was granted to the monastery of Arbroath by William the Lion.⁴³ David II granted them power of having a coquet and part of the customs, that is, the old rate, the increase, as at St. Andrews, going to the king.⁴⁴ A later charter (1392) stipulated that every year the customars of Arbroath must undergo an assize that nothing had passed there in prejudice of the king's custom.⁴⁵

The only important ecclesiastical burgh in the west was Glasgow, and William granted the bishop liberty of having a burgh there, with a weekly market and a yearly fair and all the

³⁶ *Munic. Corp. Rep.*, 1836, Appendix to Local Reports, 167-8. When the rate of customs was increased in David II's reign, the increase went to the king, and the accounts of the customars of St. Andrews are given in the Exchequer Rolls, showing that the old rate was paid to the bishop (*Exch. Rolls*, II. xli, lxxxvii).

³⁷ *Reg. Magn. Sig.* i. 438.

³⁸ *Registrum de Dunfermelyn* (Bannatyne Club), p. 246.

³⁹ Ebenezer Henderson, *Annals of Dunfermline*, pp. 138-9.

⁴⁰ *Ibid.* p. 139.

⁴¹ *Reg. de Dunfermelyn*, p. 274.

⁴² *Reg. Magn. Sig.* i. 110.

⁴³ *Liber S. Thome de Aberbrothoc* (Bannatyne Club), i. 3.

⁴⁴ *Acts of the Parl. of Scotland*, supplement, p. 11.

⁴⁵ Calendar of Charters (General Register House), i. no. 201. After 1392 the customars' accounts of Arbroath appear in the Exchequer Rolls, iii. 297 and II. lxxxvii.

freedoms and customs which any of his burghs had.⁴⁶ The grant of a tron and clerk of the customs, that the citizens of Glasgow might have their merchandise troned, weighed, and customed there, was made rather late to Glasgow, in 1489-90.⁴⁷ There was little foreign trade there in early times, when Scotland's chief trade was at the east-coast ports.

There can, I think, be little doubt that originally these burghs did not enjoy identical rights with those holding direct of the king, but it is also certain that they did gradually acquire the same position, perhaps in the late fifteenth century, certainly by the sixteenth. All the members of the convention had the same commercial privileges; and St. Andrews was represented there in 1533 and 1539; St. Andrews and Glasgow in 1552 (when the records of the convention begin); and these two and Brechin, Dunfermline, and Arbroath at a larger meeting in 1555; and their rights were obviously regarded by the convention as the same as those of the rest of its members.⁴⁸

This position had not, however, been acquired without some resistance, especially by the east coast-towns which came into conflict with St. Andrews, Arbroath, and Brechin. The gild brethren of Cupar objected to the men of St. Andrews buying wool, skins, hides, &c., in their market, but this controversy was decided in favour of the bishop in 1369.⁴⁹ In 1498 Cupar again complained of St. Andrews, this time for taking dues at their harbour of Motray, where the right of harbour had been granted to Cupar.⁵⁰

In 1351-2 the holding of a market of wool, hides, skins, &c., at Brechin or Fordoun, or any other place within the bounds of Montrose, was forbidden.⁵¹ The prohibition was little regarded, for in 1364 David II issued a writ to the sheriff of Forfar ordering him to take down the market-cross of Brechin,⁵² and in 1372 Montrose and Forfar entered into a convention regulating their own commercial intercourse, with provision against the market of Brechin.⁵³ In the middle of the next century, however, the bishop was granted the right of having a market for buying and selling wool, hides, skins, &c., and a tron and customars, saving the rights of the king's customs, with all rights of other free burgesses for his citizens.⁵⁴ Dundee protested that this infetment should 'turn vs nor our infetmentis to na preiudice na skathe in tyme to cum'.⁵⁵ Montrose attempted to debar

⁴⁶ *Charters, &c., of Glasgow* (Scottish Burgh Records Society), i, part ii, pp. 3, 4, 6, 7.

⁴⁷ *Ibid.* pp. 79-86.

⁴⁸ *Convention Records*, i. 513, 515, 1-2, 10.

⁴⁹ *Acts of the Parl. of Scotland*, i. 509. ⁵⁰ *Acta Dominorum Concilii*, vii, fo. 190.

⁵¹ *Registrum Episcopatus Brechinensis* (Bannatyne Club), ii. 380-1.

⁵² *Hist. MSS. Comm. Rep.* ii. 205-6.

⁵³ *Ibid.*

⁵⁴ *Reg. Episc. Brech.* i. 169-72.

⁵⁵ *Ibid.* ii. 314-16.

Brechin men from unloading or selling goods within the privileges of their burgh, but Brechin obtained a decret against the Montrose magistrates in 1464.⁵⁶

Glasgow was within the bounds which had been granted to Rutherglen in 1126, and as Dumbarton was erected into a royal burgh in 1221, disputes naturally arose between these burghs and the neighbouring bishop's burgh.⁵⁷ A charter of 1226 prohibited the officers of Rutherglen from taking toll or custom in Glasgow or elsewhere than at the cross of Schedeneston (Shettleston),⁵⁸ and in 1242-3 the privileges of trade and merchandise in Argyle and Lennox and throughout the country, without interruption by the king's baillies of Dumbarton, and as freely as before Dumbarton was made a burgh, were granted to the bishop.⁵⁹ In the fifteenth century Rutherglen and Renfrew impeded the lieges who brought goods to the Glasgow market, and were forbidden either to do so or to go within the barony of Glasgow to take toll or custom of any one going to the said market; ⁶⁰ and again in 1542 letters were obtained by Glasgow to the same effect.⁶¹ It was, therefore, in spite of opposition from their neighbours who held of the Crown that the church burghs gradually established their position as free burghs.

Occasions of dispute did not arise only between king's burghs and ecclesiastical burghs, for the extensive areas of the burghs' grants led to quarrels between neighbours holding of the Crown. In 1402 the chamberlain of Scotland gave an award in favour of Dundee in a dispute with Perth about the freedom of loading and unloading ships in the Tay.⁶² Montrose and Dundee had a long-continued quarrel about their boundaries and trade privileges. In 1458 the council declared that each burgh was to have the liberty of buying and selling as contained in their charters, but Dundee was to have the privilege of indicting all forestallers within the sheriffdom of Forfar.⁶³ But this did not settle the quarrel, for in 1462 a writ was granted for settling their respective boundaries.⁶⁴ Inverness, whose bounds were very large, objected to the inhabitants of Tain trading within her territory.⁶⁵ Ayr and Irvine were too close together for their relations to be entirely friendly. They had a dispute about boundaries in 1372, in which it was found that the burgh of Irvine had a right to exercise merchandise within the whole baronies of Cunningham and

⁵⁶ *Hist. MSS. Comm. Rep.* ii. 205-6.

⁵⁷ *Charters of Glasgow*, i, part i, pp. x-xi.

⁵⁸ *Ibid.* i, part ii, pp. 12-13.

⁵⁹ *Ibid.* pp. 27-8.

⁶⁰ *Charters of Dundee*, p. 18.

⁶¹ *Reg. Magn. Sig.* ii. 139-40.

⁶² *W. Taylor, Fragments of the Early History of Tain*, p. 39.

⁵⁹ *Ibid.* pp. 14-15.

⁶¹ *Ibid.* p. 117.

⁶⁴ *Hist. MSS. Comm. Rep.* ii. 205-6.

Largs.⁶⁶ And in 1443, in a general council, the commissioners of the burghs declared that the merchants of Irvine had no right to stand and sell cloth, wax, wine, or goods belonging to the gild, in Ayr on market day, but only on the fair day.⁶⁷

Later charters erecting burghs generally recognized the rights of earlier erections in the neighbourhood. Inverbervy was made a free burgh in 1359, reserving the rights of other burghs, 'ita tamen quod libertates per nos sic concesse non cedant in dampnum seu gravamen . . . libertatum burgensibus nostris de Aberden, de Munrosse, et de Dundee.'⁶⁸

The royal burghs did not suffer only from infringements of their privileges by other burghs, free or unfree, but also from the encroachments of individuals. And as the individual unfree trader often defrauded the revenue by exporting without payment of custom, the king sometimes took action in the matter in his own interest. In 1458 James II empowered the provosts, baillies, and burgesses of Aberdeen to escheat wool, hides, and skins exported without the sheriffdom without payment of the great customs, in despite of their privileges and to the detriment of the king's customs,⁶⁹ and this power was granted again in 1495 and 1511.⁷⁰ Similar powers were given to Montrose in 1506, and the alderman was also authorized to escheat goods sold by unfreemen at markets within their liberties.⁷¹ Stirling obtained letters from the privy council in 1539 charging the provost, &c., to enforce the laws against unfreemen ;⁷² and James V in 1541 sent letters to Peebles charging unfreemen not to make any private market in any place within the freedom of the burgh and without the burgh itself.⁷³ In 1538 the sheriff of Ayr and baillie of Cunningham were ordered to prohibit all merchants from using merchandise at any kirks within Cunningham, and to order them to bring their goods to Irvine or other free burghs to be sold, because 'in this trublous tyme sen the feild of Flowdoun' merchants and chapmen had made markets on Sundays at the parish kirks of Kilmarnock, Largs, &c., and 'oure burgh is utirlic distroyit for want of repaire and use of change and we gretumelie defraudit in oure custumes'.⁷⁴

Edinburgh was engaged in a continual struggle with Leith, and to a lesser extent with the Canongate, and in 1506 procured

⁶⁶ *Muniments of the Royal Burgh of Irvine* (Ayrshire and Galloway Archaeological Association), i. 11-13.

⁶⁷ *Charters of the Royal Burgh of Ayr* (Ayrshire and Wigtonshire Archaeological Association), pp. 27-9.

⁶⁸ *Hist. MSS. Comm. Rep.* ii. 205-6.

⁶⁹ *Charters and other Writs illustrating the History of Aberdeen*, pp. 29-30.

⁷⁰ *Ibid.* pp. 36-40.

⁷¹ *Reg. Magn. Sig.* ii. 642-3.

⁷² *Charters of Stirling*, pp. 80-5.

⁷³ *Charters relating to Peebles*, pp. 59-60.

⁷⁴ *Muniments of Irvine*, i. 41-2.

letters discharging packing and peeling in both these places ;⁷⁵ and in 1518 got a decreet against Leith, decerning the inhabitants not to buy wool, hides, &c., in the country from unfreemen, and to desist from all packing and peeling in Leith.⁷⁶ The chief offender seems to have been Robert Bertroun, who was the king's comptroller, and apparently made use of this position for his private gain. He was said to be merchant to the 'maist part of all the woll on this syde the watter of Fortht'.⁷⁷ Edinburgh obtained another decision against Leith in 1630, finding that a burgh of barony had no right to sell or tap wine.⁷⁸ Shortly after this decision was given, Charles I informed the session that several actions for the defence of royal burghs against encroachments of burghs of barony were coming before them, and as burghs royal were liable for payment of taxation, and had vote in parliament, and that they have gevin reall prooff, both in the tyme of our late royall father and our owin, of their affection to our service : And to the effect they may the more readilie and convenientlie attend vpon the same now at our coming to that our kingdome . . . , We ar heirby pleased in a particular maner to recommend vnto your serious care that speedie justice be administred in all such actiones that may tend to the reformation of these abuses committed by the saidis brughs of baronie.⁷⁹

It will be remembered that in the next year, 1633, an act was passed giving very extensive privileges to the royal burghs.

As has been said, the protection of these privileges was a principal function of the convention of the burghs, and from the beginning of the regular records in 1552 hardly one convention meeting passes without some references to this subject. Acts were passed declaring that each burgh was to cause letters to be raised upon the acts of parliament for the maintenance of the liberties of free burghs, to prevent the multitude of 'vnfremen saillaris', and to prevent packing and peeling outwith free burghs.⁸⁰ Every burgh was ordered to give a testimonial to 'saillaris out of the cuntrey', and these were only to be given to residents and bearers of burdens in free burghs. All merchants had to be members of the gild in burghs where there was one, and the dean of the gild was entrusted with the duty of giving these tickets, no skipper being allowed to take any merchant on board without such a certificate.⁸¹ No coquets were to be given to any unfreemen, or to any ships loaded at unfree ports.⁸²

⁷⁵ *Edinburgh Burgh Records* (Scottish Burgh Records Society), i. 109.

⁷⁶ W. M. Morison, *The Decisions of the Court of Session*, iii. 1902-3.

⁷⁷ *Edinburgh Records*, i. 178-81.

⁷⁸ Morison, *op. cit.*, iii. 1823-4.

⁷⁹ William Alexander, earl of Stirling, *Register of Royal Letters*, ii. 573-4. This was procured by the efforts of the agent for the royal burghs, *Convention Records*, iv. 532 (1632).

⁸⁰ *Convention Records*, i. 19-20 (1570).

⁸¹ *Ibid.* i. 130 (1582).

⁸² *Ibid.* ii. 179-80 (1604).

The conservator in the Low Countries was to send home a list of all merchants who arrived there, that the magistrates of any burgh from which unfreemen came should be able to punish them.⁸³ No one who dwelt outside the burgh and did not bear charges and 'hald stob and staik therein, and walk, ward, pay extentis and skattis within the burch' was to be accounted a freeman.⁸⁴

The convention appealed at times to king or council that their privileges might be upheld, 'that ordour may be tane anent sic as ar vnfriemen and visis merchandise,'⁸⁵ or that no burgh of barony should be erected into a free burgh without their advice and consent.⁸⁶ The burgh of barony had no power of sharing in foreign trade, but their inhabitants were allowed to buy and sell wine, wax, corn, cloth, and other goods within the burgh only.⁸⁷ Erections of such burghs within the bounds of royal burghs were opposed, as, by supplying their own necessities, they took away trade from the burgesses of the latter. At the end of the sixteenth and beginning of the seventeenth centuries a few burghs of barony seem also to have been granted liberty to share in foreign trade, though they did not make much use of the permission, and this naturally aroused the opposition of the convention and of the neighbouring burghs. The burghs' commissioners to parliament in 1602 were ordered to 'lament and regrait to the kingis maiestie the decay of the estait of burrowis many wayis, and namele be the new purchest erectiouns of brughis of barronyis with the hail liberteis of fre burrowis'.⁸⁸ The burghs were 'havelie preiudgeit' by the inhabitants of the burghs of barony, who took on themselves not only the selling of native wares, but also of foreign goods; and in 1607 four burghs were ordered to try and get the lord clerk register and others to set down the differences between their respective liberties; and thereupon a number of the burghs were to endeavour to get an act of parliament ratifying their privileges.⁸⁹ This was in July, and the act of 1607 confirming their rights was passed in August. The commissioners also had much to do with drawing up the act of 1633 and getting it passed. In 1631 the commissioners agreed that a signature should be drawn up, ratifying the charter of David II and all their privileges. This was sent to court by the agent, and certain of the burghs were ordered to do all they could, and spend what sums they thought necessary for obtaining that it should be passed.⁹⁰

⁸³ *Ibid.* ii. 8-9 (1597).

⁸⁴ *Ibid.* i. 3-4 (1552).

⁸⁵ *Ibid.* i. 136 (1582).

⁸⁶ *Ibid.* i. 468-9 (1595).

⁸⁷ See the charter erecting Culross into a burgh of barony in 1490: *Munic. Corp. Rep.*, 1835, Appendix to Local Reports, p. 171.

⁸⁸ *Convention Records*, ii. 130.

⁸⁹ *Ibid.* ii. 235-6.

⁹⁰ *Ibid.* iv. 529-30.

The convention did more than make enactments and representations about the burghs' privileges. It did much to maintain and enforce them. Besides remonstrating about the erections of burghs of barony in general, it opposed, and assisted burghs concerned to oppose, the creation of particular burghs of barony, or of burghs of barony into royal burghs. In 1584 it was ordained that if any town was erected into a free burgh within the limits of any other free burgh the 'haill burrowis sall interpone thair poweris in contrair thairof'.⁹¹ When, in 1599, there was a question of the erection of Maybole and some other towns into burghs of barony with the privileges of free burghs, the convention not only engaged to pay part of the expenses of Ayr on 'clerkis and men of law' in opposing Maybole's erection, but also forbade all free burghs, to recognize the inhabitants of these places as free burgesses until they were enrolled as members of the convention.⁹² Aberdeen complained in 1605 of the erection of Fraserburgh into a free burgh, and the commissioners agreed that it should not be enrolled in their number until Aberdeen was heard, and granted Aberdeen their concurrence in the reduction of the erection.⁹³ Wigton received a grant in aid of its opposition to Stranraer's erection in 1618;⁹⁴ but in 1629 they had not received the sum, and as they were still engaged in an action against Stranraer, help was again promised.⁹⁵

The convention also devoted much attention to the punishment of unfree traders. At almost every meeting the whole of the burghs generally or several which were specially named, were ordered to 'show diligence' against unfree traders, either in the burgh or in its bounds. The agent of the convention had a good deal to do with this aspect of the convention's activity. He sometimes pursued unfreemen on behalf of individual burghs; the treasurer of Stirling, for example, in 1595 paid him £4 for 'persute the werkmen in clachannis'.⁹⁶ In 1592 he was ordered to pursue all unfreemen, the provosts and baillies of burghs sending in a list of those within their bounds, and a sum of £200 was raised for the expenses.⁹⁷

Sometimes one burgh complained of the conduct of another in allowing unfree traders within their bounds, but however the information came, the convention continued to impress on the defaulter the necessity of making the unfreemen cease trading, or make residence and become burgesses. Wigton and Ayr had a lengthy controversy over one Gilbert Mure. Wigton complained in

⁹¹ *Convention Records*, i. 197.

⁹² *Ibid.* ii. 54-5.

⁹³ *Ibid.* ii. 204; *Extracts from the Council Register of the Burgh of Aberdeen* (Spalding Club), ii. 279-80.

⁹⁴ *Convention Records*, iii. 70.

⁹⁵ *Ibid.* iii. 296-7.

⁹⁶ *Charters of Stirling*, p. 219.

⁹⁷ *Convention Records*, i. 371-2.

1610 of Ayr allowing him, being one of their burgesses and residing at Stranraer instead of Ayr, to 'saill under thair friedome'.⁹⁸ Ayr deprived him of his freedom,⁹⁹ and then complained of Wigton for allowing Mure to remain at Stranraer and exercise the liberty of a free burgh there.¹⁰⁰ The next convention therefore ordered Wigton to produce diligence in either forcing Mure to reside or depriving him of his liberty.¹⁰¹ Wigton thereupon reported that Mure had made residence within the burgh,¹⁰² but this was apparently false, for in 1616 Wigton was fined £100 for having used no diligence.¹⁰³ The fine was remitted and the dispute ended in 1617, for Mure 'was departit this present lyfe'.¹⁰⁴ St. Andrews was fined for allowing, after several exhortations, Hew Myles and David Methwen to continue to keep booths and sell wares at the 'kirks of Kettele and Cleich', and was ordered to exact great penalties from the transgressors.¹⁰⁵ Occasionally burghs were required to report on the diligence of their neighbours. Edinburgh, Haddington, and North Berwick were ordered, together with the agent, to see if Dunbar allowed unfreemen to pack and peel within her liberties.¹⁰⁶

The burghs themselves, urged by the convention and inspired by their own interests, were active in their efforts to suppress unfree traders within their burghs and their bounds, either by depriving them of the freedom of trade or by making them become burgesses and residents in the burgh. They passed regulations enforcing the laws and also summoned offenders before the burgh court. In many burghs there was a merchant gild, which, in order to guard the privileges of its members, also endeavoured to prevent craftsmen and unfreemen from trading. In Lanark out-burgesses were forbidden to make merchandise with any wool or hides in the burgh.¹⁰⁷ The provost, baillies, and council of Aberdeen ordained that 'nay onefreman keipe oppin butht within the burgh, nor haue license to saile in merchandise'.¹⁰⁸ Edinburgh ordered no unfreemen to buy hides, wool, or skins, &c., except from freemen and burgesses,¹⁰⁹ and no burghess to be partner with any dweller in Leith or other unfreemen.¹¹⁰ In Aberdeen an agreement was made in 1518 between the merchants and the magistrates, that the former should pay two shillings great Flanders money on every sack of merchandise passing out of their port or freedom, for their patron St. Nicholas and the upkeep of the parish church, the provost promising in

⁹⁸ *Ibid.* ii. 293-4.

¹⁰⁰ *Ibid.* ii. 419 (1613).

¹⁰² *Ibid.* iii. 2 (1615).

¹⁰⁴ *Ibid.* iii. 36.

¹⁰⁶ *Ibid.* ii. 294-5 (1610).

¹⁰⁸ *Aberdeen Register*, i. 437 (1507).

¹⁰⁹ *Edinburgh Records*, ii. 142 (1548).

⁹⁹ *Ibid.* ii. 350 (1612).

¹⁰¹ *Ibid.* ii. 450 (1614).

¹⁰³ *Ibid.* iii. 20.

¹⁰⁵ *Ibid.* ii. 289-90 (1610).

¹⁰⁷ *Lanark Records*, p. 20 (c. 1543).

¹¹⁰ *Ibid.* ii. 207 (1554-5).

return certain restrictions on the membership of the gild, and that no one who did not make continual residence in the burgh should have the privilege of sailing out of the port.¹¹¹ Later, in 1587, an agreement was made between the merchants and the crafts of Aberdeen, because 'gryt contrauerseis hes bein at all tymes' between them 'concerning the vsing of the trafique and exerceis of all kynd of merchandreice'. The craftsmen were forbidden to export Scots goods and to buy and sell staple goods, except at home in retail.¹¹²

Aberdeen's privileges were usurped by ships being loaded and unloaded and goods being bought and sold at free ports within the bounds of her liberty, Faithlie (Fraserburgh), Peterhead, Newburgh,¹¹³ where, in July 1593, there were said to be three or four ships from Norway and other parts. The dean of gild was ordered to take an officer and one or two neighbours and arrest the said ships and take the sails.¹¹⁴ Many prosecutions are recorded in the different registers. Three unfreemen were fined in Edinburgh for bringing victuals from Dantzic, on the supplication of the freemen in the ship.¹¹⁵ In 1559 the dean of gild in Edinburgh was ordered to fence and set gild courts, and to be more strict in preventing unfreemen from trading.¹¹⁶ Next year he was ordained to pass through the burgh and discharge all those who used sold staple goods without being burgesses and gild brethren, and if they still continued to trade after his warning 'that he steik vp thair buithe durriss and intromet with the keyis thair of vnto the tyme they cum and mak thame self gylt'.¹¹⁷ The timber of one John Reid in Inverness was arrested because he was an unfreeman, but he broke the arrest and sold his timber, and was then decerned to be punished for his 'contemtion'. He had also troubled the court in his 'maisterfull and heycht speiking in hie contemptioun of our Soueranes autorite prowest and bailles of this burcht, saying that he was also gentill ane man and gude as ony was heir present in the tolbuyth jugis and all'. For this, too, he was to be punished, and also for having burnt the common firloft, which was kept in the council house, while he was in ward there.¹¹⁸

There are many notices of infringements within the bounds of the burghs, especially those with large territories. In Inverness people were convicted of making 'port' in Chanrie and Rosmarke;¹¹⁹ and the goods of some indwellers in Perth were escheat for buying merchandise at St. Martin's Kirk, which had no liberty

¹¹¹ *Aberdeen Register*, i. 94-5.

¹¹² *Aberdeen Charters*, pp. 345-51.

¹¹³ *Aberdeen Register*, ii. 10-11 (1573); ii. 32 (1578).

¹¹⁴ *Ibid.* ii. 81.

¹¹⁵ *Edinburgh Records*, i. 231-2 (1527).

¹¹⁶ *Ibid.* iii. 39.

¹¹⁷ *Ibid.* iii. 89.

¹¹⁸ *Inverness Records*, i. 195-6 (1570).

¹¹⁹ *Ibid.* i. 61-2 (1561).

except by favour of the burgh of Inverness, and using them as freemen of the burgh.¹²⁰ Injunctions to burgesses to reside within the burgh, and to would-be merchants to become burgesses and gild brethren were numerous. The will to reside was not always sufficient, as in the case of Robert Dunbar of Durris, who, charged to dwell in Inverness, sent a friend to represent that he was willing to do so, but it was 'notoriouslie knawin to the jugis and nychtbouris about that lesumlie the said Robert Dunbar culd nocht repair hant and mak his actuall residence heir without the greit hasart of his lyffe, becaus of deidlië feide standing and as yit vnrecunsalit betuix him and sum of the clannis ewous to this burcht', and therefore that he could not 'bynd him self in this troublussum tymes for to mak his actuall residence'. His excuse was thought valid and he was not forced to come and live in the burgh.¹²¹

Complaints and prosecutions did not, however, stamp out the evil of unfree trade, as the efforts to obtain the act of 1633, the last complete and the most complete parliamentary declaration of the trading monopoly of the burghs, showed. This act seemed to mark the greatest extent of their privileges, for, during the rest of the seventeenth century, it seemed to be harder to maintain them, there was less legislation concerning them, and the laws that were passed tended to throw open the position of the burghs to hitherto less favoured communities.

THEODORA KEITH.

(To be continued.)

¹²⁰ *Ibid.* i. 142-3 (1566).

¹²¹ *Ibid.* i. 235-8 (1580).

The Estates of Pontoise

THE massacre of St. Bartholomew was followed by a remarkable output of pamphlets giving a new turn to the bitter political controversy which had kept the presses of France busy for nearly half a generation. These pamphlets suddenly began to assert that the will of the French monarch ought to be controlled by the wishes of the representatives of the nation.¹ During twelve years great discontent in France had shown itself in chronic rioting with three acute outbursts of civil war, and, during all that time, the opponents of the Crown found the pen their best weapon. The old royalist fighter Monluc wrote in his journal, 'we beat the Huguenots in arms, but they beat us with those *diabes d'écritures*.'² The modern reader confirms his judgement.³ The Huguenots used their superior literary skill to the utmost,⁴ but it was not until the king treacherously killed his nobles in his own palace without even a show of law, that they began to assert a law which all kings must obey. Neither that generation nor their fathers were used to reading such language about the king. Foreign observers about the middle of the sixteenth century thought France an absolute monarchy. Matteo Dandolo, the Venetian ambassador, wrote in 1542 :

All this great state is governed by the word and nod of the King, against whom there is nothing which has, at present, any authority, although the authority of the parliaments was once very great. And I will tell you what his majesty said to me with a smile—that Maximilian the Emperor used to say the Emperor was the King of Kings, the King of Spain the King of men, and the King of France the King of animals, because in everything he commands or wishes he is instantly obeyed as man is obeyed by the beasts.⁵

The most popular book on politics was the work of Claude Seyssel, *La Grande Monarchie de France*, in which he praises the government

¹ E. Armstrong, *The Political Theory of the Huguenots*, ante, iv. 13.

² *Mémoires*, ed. A. de Ruble, iii. 457.

³ C. Labitte, *De la Démocratie chez les Prédicateurs de la Ligue*, Paris, 1841.

⁴ In 1559 the Cardinal of Lorraine said there were on his table twenty-two pamphlets attacking him (*Recueil de Pièces Originales et Authentiques concernant la Tenue des États-Généraux*, i. 74, Paris, 1789).

⁵ Eugenio Alberi, *Le Relazioni degli Ambasciatori Veneti al Senato durante il secolo decimosesto*, serie 1, iv. 32 (1546).

as an absolute monarchy. He talks, indeed, of three checks on the royal power, but his phrases mean little else than the expression of his hope that the king will always limit his own action by his regard for religion, justice, and morals. The state he describes with admiration is one where the will of the sovereign can meet no obstacles except those that can be overcome.⁶

When widespread discontent, caused by heavy taxes, bad courts, a corrupted church, persecutions for heresy, and the bankruptcy of the government, was used by personal hatred and factional passion to form the conspiracy of Amboise in 1559, even the Frenchman who entered into that plan to kill the royal ministers expressed no misgivings about the system of government which had made possible the things he wished to change by force. A paper was found on the dead leader in which the conspirators promised devotion to the sovereign and offered him life and goods.⁷ Even after the civil wars broke out, the Huguenots did not base resistance to what they thought oppression on theories of civil liberty. They fought against their alleged wrongs with pen and sword without asserting the existence of a constitution which might limit the king's power to inflict wrong.

We must not suppose that men suffered and resisted for twenty years what they thought oppression, without appeal to the ancient customs of France or the law of nature, for lack of arguments they might have used. Their fathers had told them of the estates of Tours in 1484, where La Roche denounced 'the flatterers who attribute to the Prince that sovereignty which is only conferred by the people', and recalled how 'the whole hall resounded with subdued murmurs and the restless movements of many delegates of the more liberal spirit, because the chancellor seemed to them to speak badly on the subject of the liberty and power of the people'.⁸

This failure of men engaged in rebellion to make any strong and reasoned attack on the absolutist theory of government, and the sudden outburst of argument against it after St. Bartholomew, as if imprisoned thought had been let loose like water from a broken dam, suggests two questions: First, why did no book like Hotman's *Franco-Gallia*, which claimed that France was, and ought to be, a constitutional monarchy, appear before 1572?

⁶ Weill, *Les Théories sur le Pouvoir Royal en France pendant les Guerres de Religion*, p. 14, Paris, 1891.

⁷ C. Paillard, *Additions Critiques à l'Histoire de la Conjuration d'Amboise*, p. 44, Paris, 1880; quoting a dispatch of Chantonay at Brussels. Chantonay had his information from the Cardinal of Lorraine.

⁸ Masselin, *Journal des États Généraux tenus à Tours, Documents Inédits*, ed. A. Bernier, p. 391. Georges Picot (*Histoire des États Généraux*, ii. 2, Paris, 1872) points out that 'L'Ordre tenu et gardé en l'Assemblée des Trois États convoqués en la Ville de Tours' was reprinted as a pamphlet, 31 December 1557.

Second, why did a dozen pamphlets, directly or indirectly asserting theories of liberty and of a law above the royal will, appear almost simultaneously?

The first question may be answered in part by recalling the overmastering influence of Calvin, a man with a strong prejudice against democracy, by instinct a believer in 'thorough', who, starting like Luther with a doctrine of non-resistance, was driven, reluctantly, and by the stern necessity of fact, to weaken his application of it to the French nobles who were willing to fight to keep the preachers of the 'Word of God' from the stake.

The answer to the second question, why, after so long a silence, so many men spoke at once with Hotman, is to be found in the *cahiers* of the estates of Pontoise. Contemporary historians paid comparatively little attention to these estates. De Thou considers them a mere continuation or adjourned meeting of the estates of Orleans, an idea which is explicitly repudiated in the *cahiers*. He relates only their suggestion that freedom of worship be granted to the protestants, the proposition to make the clergy pay the debts of the Crown, and their demand for a statement of accounts from the great officers of state. The political ideas of the estates of Pontoise, as distinguished from their utterances on administration, seem to have escaped his notice. His account of them is a summary of La Place,⁹ and he omits even La Place's statement of two of their political demands. La Place, who gives the harangue of the orator of the third estate and a partial account of the action of the third estate so far as it relates to the clergy, says he omits the harangues of the *noblesse* and clergy to avoid 'superfluous length'. Etienne Pasquier, who thought the idea 'that the assembly of the estates helped the people an old folly which runs in the head of the wisest Frenchman',¹⁰ does not mention the estates of Pontoise. Nor have modern writers paid very much attention to them. Ranke, in his *Französische Geschichte*,¹¹ expressed his astonishment that 'up to this time there has been little or no discussion of the estates of Pontoise whose records are preserved in manuscript in the Bibliothèque Nationale'. After he wrote this, Georges Picot, who, in 1872, devoted five pages of his four-volume *History of the Estates General* to the estates of Pontoise, speaks of the 'astonishing boldness of the *cahier* of the *noblesse*'. Abel Desjardin's *États Généraux*, 1871, gives a brief account of them, and calls attention to the fact that, at his suggestion, the *cahier* of the third estate was published as a pamphlet in 1867 by M. Tartiére.

The neglected *cahiers* of these estates prove that the silence of the Huguenots, during the early stage of their rebellion, about the political theories by which, after St. Bartholomew,

⁹ *L'Estat de la Religion et République*, ed. 1565, ff. 215-35.

¹⁰ *Lettres*, livre iv, lettre ix.

¹¹ i. 195.

they justified its continuance, was not due to a lack of ideas about the nature of the government of France. These records show us that ideas in regard to the right of representatives of the nation to impose marked limits on the power of the Crown were, before the beginning of the civil wars, very widespread among Frenchmen who possessed by ancient custom any voice in the government. A review of the causes of the assembly of the estates of Pontoise will make this clear.

In the summer of 1560 the condition of France was dangerous. There was great discontent, caused on the one hand by stringent persecution,¹² and on the other hand by the sacking of churches by mobs of the reformed and the expulsion of orthodox preachers from many communities.¹³ In addition there was strong protest against heavy taxation and threats of assassination for the rulers.¹⁴ The finances were in hopeless disorder. The Italian merchants, who were the most pressing creditors of the Crown, had complained through a spokesman of 'worse than Turkish treatment'.¹⁵ The bold speaker was thrown into prison, but it was impossible to raise new loans, and bankruptcy was in sight.¹⁶ Chancellor L'Hôpital, against the wish of the all-powerful cardinal of Lorraine,¹⁷ induced the king to call an assembly of the notables to consider certain 'large and important' things.¹⁸ It met on 21 August 1560. The members expressed a horror of the scenes of persecution which France had seen, a horror not unlike that shown in the first parliament of Elizabeth, and advised an assembly of the national council of the church and the calling of the estates-general, 'as was done in England, Spain, Scotland, the Empire, Denmark, Sweden, Bohemia, and Hungary.'¹⁹ An order for elections to the estates-general was issued at once. But before they assembled two things happened. The prince of Condé was condemned to death for conspiracy to drive the Guises from power, and the king died, leaving as his heir a boy of ten years old. The queen mother, Catherine de Médicis, immediately obtained the oaths of the officers of the troops to support her, seized all the organs of administration, and established her authority as regent by an *ordonnance* of the infant king.

The estates-general, which were in the act of assembling, were

¹² Bibliothèque Nationale, MS. Italien 1721, fo. 5, dispatch of the Venetian ambassador: 'in Parigi e in molte altre terre del regno li condannati per la religione son stati abbruciati vivi in grandissimo numero.'

¹³ Bibl. Nat., Cinq Cents de Colbert, tom. 27, ff. 317, 327; Béthune 8695, fo. 105.

¹⁴ Bibl. Nat., MS. Italien 1721, ff. 37, 38; Italien 1721, fo. 112.

¹⁵ Bibl. Nat., MS. Italien 1721, fo. 30.

¹⁶ Bibl. Nat., Cinq Cents de Colbert, tom. 394, pp. 38-45; Nouvelles Acquisitions, tom. 1721, fo. 289.

¹⁷ Chantonay to Philip (Archives Nationales), quoted by Baron de Ruble, *Antoine de Bourbon et Jeanne d'Albret*, ii. 318.

¹⁸ *Mémoires de Condé*, i. 550.

¹⁹ *Pièces Authentiques*, ii. 95.

at once a necessity and an embarrassment. They might follow the example of the last estates-general, called at the accession of the minor Charles VIII, and claim the right to organize the government of the regency, which Catherine had already organized as she wished. On the other hand, the difficulties which had beset the dead king beset her. She determined, therefore, to use the estates to get the necessary means for meeting the problems of the government, and to ignore altogether the embarrassing question of her legal right to rule as regent. The Chancellor L'Hôpital laid before the delegates the condition of the state, speaking in the tone of the minister of a normal king and ignoring the possibility of any question as to the legal authority of the government whose voice he was.

The purpose of the ancient custom of holding Estates, interrupted for nearly eighty years so that the memory of man does not go back to them, was that the King might get the advice and counsel of his subjects, hear their complaints and satisfy them so far as reasonable. The King is not obliged to take advice. But to meet his Estates General enables him to know the truth and to do justice. The realm is full of sedition for which religion is alleged as a principal cause; a thing almost incredible, for sedition is evil. It is no more permissible for a subject to defend himself against his prince, than for a son to resist his father, and it makes no difference whether the prince is good or bad, we are even more bound to obey him than a son his father. These Estates were called to devise means to stop seditions and to help the poverty of the King; for no orphan was ever left in so piteous a condition. The King asks of you means to escape from it and your counsel. His Majesty and the Queen Mother further invite you to express with entire liberty your complaints and grievances.²⁰

He thus put before them the three chief problems of the government: religion, the debt, and the reform of administration, a subject which was implicit in his invitation to present grievances. Skilful as this speech was, it left many delegates perfectly aware of the dangerous position of Catherine. She needed the help of the estates and at the same time she ignored their authority.

It had been claimed on the floor of the last estates-general (1484) that 'the State was the affair of the people confided to kings, and when a minor king acceded to the throne, as was now the case, should return to the people'. Such bold assertions 'excited endless debates'. The men of 'liberal opinions' could not be held together for common action. They were split up by intimidation, influence, and corruption, until finally only the delegates of Normandy and Burgundy stood firmly for what one of their number calls 'the good party'.²¹ Therefore the determined attempt to constitute the government of

²⁰ *Recueil de Pièces, etc.*, pp. 42 ff.

²¹ Masselin, *Journal des États Généraux tenus à Tours, Documents Inédits*, p. 149.

the regency by the vote of the estates subsided into idle resolutions. But it had emphasized the idea that the estates ought to be consulted in the establishment of a regency. It might seem, therefore, that there could hardly be a more fitting opportunity than the assembly at Orleans for the assertion of the principles of constitutional government, and the *cahiers* of the estates of Pontoise, formed only a few months later, show that belief in these principles was widespread in France. Yet the proceedings of Orleans are marked by silence in regard to them, broken only by somewhat timid and irresolute suggestions, especially when they touch on the limitation of the royal power.

The question of the regency was not, indeed, altogether neglected. The deputies from forty *bailliages*, claiming to represent the majority of the *noblesse* of France, disavowing any intention of 'suggesting that the estates should give law to king, queen or prince', did assert that it had been the custom at all times when there was a minor king that 'the government should be confirmed and authorized by the estates'.²² They protested, in scrupulously modest and complimentary terms, that, inasmuch as the elections had been held before the king's death, they had no mandate in the matter of forming the government, and asked to be sent back to their constituents; otherwise they feared grave discontent and the danger of giving to 'those desiring novelty' a pretext for tumult.²³ This protest found little support, nor was there any utterance at Orleans remotely resembling the frank appeal to the fundamental principles of a limited monarchy that had been made seventy-five years before at Tours. The supreme right to speak for her son, which Catherine assumed in her message to the estates,²⁴ was practically endorsed in a final letter to her by the *tiers état* recognizing 'the benefit which they were sure to receive from the charge of the education and affairs of the King which God has put into your hands'.²⁵ Catherine herself was satisfied with the outcome of the estates so far as her regency was concerned, and wrote of 'the authority which was accorded to me and ratified at Orleans' and 'approved by all the estates'.²⁶

It is true that the *cahiers* used to the utmost the freedom given them to present complaints. The *noblesse* and *tiers état* vied in painting with dark colours the condition of the church, and spoke of a large number of abuses in the law and the conduct of government. They complained of intolerable taxation, and described the resulting misery of the people. The

²² *Recueil des Cahiers Généraux des trois Ordres aux États Généraux*, i. 182, Paris, 1789.

²³ *Ibid.* i. 179.

²⁴ *Ibid.* i. 153.

²⁵ *Recueil des Pièces, etc.*, i. 189.

²⁶ *Lettres de Catherine de Médicis*, i. 174, 177.

greater part of these suggestions in regard to the administration were finally embodied by L'Hôpital in the great *ordonnance* of Orleans and the supplementary *ordonnances* of Roussillon and Moulins; a sweeping reform in the administration of church and state in France. Of the two hundred and seventy-five articles of these two *ordonnances*, over one hundred and ninety were suggested by the *cahiers* of Orleans. Many of these reforms were not, it is true, put into practice. But no estates-general exercised a larger influence on the administration of France.

This outspokenness in presenting grievances makes more noticeable the timidity of the estates of Orleans in political matters. There are, indeed, utterances which seem to be political. Delegates of the *noblesse* representing some thirty constituencies, asked that an audit of accounts should be made for the reigns of Henry II and Francis II before a board of commissioners of three from each province named by the king. The third estate asked for an inspection by auditors elected by the provincial estates. But this was no demand to control royal expenditure. The object of the nobles was to see that all the money had been 'employed in the King's service', the object of the third estate to inquire if more had not been collected 'than the King had intended'.²⁷ The third estate complained further that, in the provincial estates, when the question of levying a tax was raised, the third estate voted with the others. The clergy and *noblesse*, who had the majority and were exempt from taxation, were always ready to pass the tax which fell entirely 'on the poor people'. This was 'contrary to all reason', and they asked the king to order that in all assemblies of estates, general or provincial, each one of the estates must bear its share, and all votes on this subject must be by the consent of all three orders. Both of these demands, however, appear as the outcome of grievances and not of political ideas. Only once do the *cahiers* pass fully into the political realm. The third estate, at the end of their *cahier*, pointing out that the condition of France 'is the result of an accumulation of ill upon ill which, little by little, has caused a universal illness', finds that the failure to remedy these ills in time proceeded from discontinuance of the estates. It fears

troubles will increase if the Estates are not more frequent than they have been before—if only to guard lest those to whom the King entrusts his affairs try to cheat him, and also in order that foreigners knowing that the King is supported, counselled, and followed by his subjects, will doubly fear him. Therefore they supplicate his Majesty very humbly, because of the zeal and desire they have to see his affairs more prosperous, that it would please him to grant the grace to give order that the Estates

²⁷ *Cahiers*, 248-408.

should from now on be held at intervals of not less than five years and to name now the day when they can return and assemble, without awaiting a more particular command from his Majesty, and to hold this fixed and irrevocable no matter what happens, whether war or peace, being well assured that the special maladies of the body politic being understood and provided for by proper remedies in good season, his Majesty will have no occasion to fear anything from the outside.

It is evident that, when they approach the political field, the deputies feel obliged to walk softly and speak gently. The periodicity of the estates had been asked in very different terms at Tours in 1484.

It seems to the said Estates that for the good and reformation of the kingdom, and in order that good order may be maintained and to provide for the affairs of our Lord the King as they arise, the King should declare and appoint that the said Estates shall be assembled at the end of two years and also continued at intervals of two years, at which Estates the said kingdom shall be reformed. And the said Estates supplicate the said Lord their King that it may please him to so order and declare.²⁸

To this request the Crown replied: 'The King is content that the Estates shall be held at the end of the next two years and will order it.' This promise had been broken; no assembly that L'Hôpital thought an estates-general had been held within the memory of man. Now the estates of Tours were not forgotten by the delegates at Orleans. The *cahiers* of the protesting section of the nobility quoted them freely, but there is no allusion to this broken promise in the gentle suggestion of the third estate about the advantage the king would derive from the regular periodic assembly of his estates.

This silence about the broken promise of the Crown, and a comparison of the two requests of 1484 and 1560, show a prerogative instance of what Altamira describes as occurring during the same years in Spain.

After the death of Doña Isabel, Doña Juana and Don Fernando called the estates of Castile seven times, repeatedly consulting them on affairs of such moment as the relations with France and the incorporation of the kingdom of Navarre. . . . But the decadence of their power makes itself evident in the tone, each time more respectful to the Monarch, which they use in their petitions.²⁹

Bodin made the same observation in 1576. Combating the opinion that 'the estates of the people are greater than the king', he says:

In short, all the discourse of the estates contains nothing but subjection, service, and obedience. The same thing was seen at the estates of Orleans,

²⁸ *Journal de Jehan Masselin, Documents Inédits.*

²⁹ Altamira y Crevea, *Historia de España y de la Civilización Española*, ii. 448.

and it ought not to be said that in Spain there is any different usage, because the same submission and phrases of subjection, service, and obedience of the whole people toward the king of Spain as their sovereign lord, appear in the discourse of the estates held at Toledo in the year 1552.³⁰

It may seem at first sight very difficult, in view of what happened at Paris and Pontoise a few months later, to account for this timidity of utterance at Orleans, but it is not so difficult as it seems to be.

Before giving what seems to be the explanation of this silence, or half speech, so soon to be followed by a boldness never seen in any French estates until the end of the eighteenth century, it is well to examine the explanations of it given by two contemporary historians who might have been well informed about its causes. La Planche, in his history of the reign of Francis II, written at least eight years later, asserts that the Guises had planned to murder all the delegates from Languedoc on their way to Orleans, to send the Montmorencies and the Huguenot leaders to the block or to prison, and to drive all their adherents to exile, death, or abjuration. He adds they sent word to Spain 'that during the winter they hoped to have so cleaned up France that in the Spring they could all go together to stir up the trout of the Lake of Geneva'.³¹ But this story is supported by no proofs, and it seems a part of that brief against the Guises which the writer pleads in *Le Livre des Marchans*. His passionate partisanship suggests more caution in accepting his statements than has generally been shown by historians. The paragraph charging the Guises with managing elections in their own interests is very vague and unsatisfactory.

Now it is proper to presuppose that those of the House of Guise had given orders, in sending out commissions for the assembly of the said (provincial) Estates, to warn all their friends to be present and the judges to see to it that there was nothing proposed against their power and that of the Church and, above all, that no one was deputed to go to the Estates General about whom they did not have assured testimony of his Catholic religion. Especially they wanted those of their faction preferred and that care should be taken that none of these seditious and rebellious Huguenots should be listened to.³²

The task of packing an estates-general, which La Planche describes in these vague terms as if it were easy, would have been a difficult one. The delegates and the *cahiers* were the result of a broad suffrage exercised by scattered political units and an ascending scale of representative assemblies, so that the process of election

³⁰ Bodin, *De la République*, i. 7, p. 138, Lyons, 1593.

³¹ Régnier, *Sieur de la Planche*, ed. Mennechet, p. 291, Paris, 1836.

³² *Ibid.*

was not easy to control.³³ The spirit of local independence was still enormously strong in France.³⁴ If the friends of the house of Guise stood together, so did their enemies, who were many and by no means all of the reformed religion. At this time, and for some time after the beginning of the civil wars, there was no hard and fast line between the Huguenot and catholic gentry. They fought each other with reluctance, and were often quite ready to act together against these 'new men' of the house of Guise, who were finding places for their adherents whenever they had a chance, to the disgust of men of both faiths. La Noue writes, 'I had a dozen friends on the other side whom I loved like brothers.'³⁵ During the discussions of peace after the skirmishes around Paris, just before the battle of Dreux at the end of 1562, 'one could see every day of the truce seven or eight hundred gentlemen from one side and the other talking together on the plain between the sentries.'³⁵ It was not a simple matter for the Guises to get those of their faction preferred as delegates by collecting the strict orthodox vote.

It is true that the letter sent out by the king on 31 August to each *bailliage* announcing the estates-general contained this paragraph :

You will not fail to keep your eyes open and arrange so that a malignant group, which might be composed of the remains of the tumult of Amboise or others anxious for change and revolution in the state (if there are any such), are so far discovered and repressed by our edicts, that, by their machinations, they cannot, under any pretext, corrupt those who might listen to them, drawing simple people to their faction by the example of their impunity and, under the confidence of the clemency we have shown or otherwise by their craft, disturb the peace of our loyal subjects.

But so far as the reformed opposition to the Guise administration was concerned, the great petitions from Normandy presented at Fontainebleau³⁶ had expressly repudiated sedition or rebellion as against 'the Word of God, which taught them to live peaceably and obediently under the power of the King and pay voluntarily

³³ 'Presque partout au xvi^me siècle il existait des assemblées communales . . . aux élections pour les États Généraux de 1560 et de 1576. On voit fonctionner ces assemblées auxquelles étaient admis tous les chefs de famille. . . . Ces réunions nomment leurs délégués qui portent leurs cahiers au chef-lieu de la châtellenie. . . . Les délégués des localités forment dans ce chef-lieu une assemblée qui envoie ses députés à l'assemblée des trois États du bailliage. C'est enfin à cette réunion que tous les cahiers sont réunis en un seul qui sera porté aux États Généraux par les députés élus dans l'assemblée bailliagère.'—Albert Babeau, 'La représentation du Tiers État aux Assemblées pour la Rédaction des Coutumes au xvi^me siècle,' *Revue Historique*, xxi, January 1883.

³⁴ So great was the jealousy between the provinces that the soldier who in a quarrel called out as a rallying cry the name of a 'nation' was very severely punished by the *ordonnance* of the army.

³⁵ *Discours Politiques et Militaires*, ed. 1612, pp. 557, 558.

³⁶ *Mémoires de Condé*, ii. 645.

all taxes'. Coligny, in presenting these petitions, had 'strongly reproved what had been attempted at Amboise under pretext of religion, which had not been done by them or by their consent but by certain libertines or atheists'.³⁷ The phrase of the royal letter was, therefore, a very vague indication of an order to keep anti-Guisards out of the estates. There is not as much evidence for any very strong and consistent attempt to pack the estates of Orleans as there is for the assumption of an attempt to pack the almost contemporary first parliament of Elizabeth, and Mr. Bayne in two articles in this Review has demonstrated how inconclusive that is.³⁸ At all events, if there was such an attempt to pack the estates by excluding Huguenot sympathizers as La Planche says 'it is proper to presuppose,' it was by no means successful. Two of the three *cahiers* of the *noblesse* show the phraseology of sympathizers with the reform, while the third estate demanded the stopping of persecution and charged any errors that might be in the kingdom to the neglect of duty by the clergy. So far as Lorraine adherents are concerned, it is plain beyond question that they were weak in the *noblesse* and the *tiers état*. When the clergy invited the other two estates to join in appointing one orator to address the king, the cardinal of Lorraine, they politely but firmly declined, preferring to elect their own orators.

But while La Planche's story does not seem very credible, there is reason to believe that the more moderate statement of La Place, making allowance for his Huguenot bias, may be taken as on the whole true. He says,

the larger part of the cities were so much intimidated that a majority of their delegates refused to go to Orleans, and those who went made the journey in great fear because they heard of the great gathering of soldiers there. But the Estates once assembled, before timid and fearful, began to find courage and confidence, everybody saying that the sudden death of the King was one of the most admirable acts of God which had occurred in this kingdom for a long while, so that those who had been called to Orleans for the purpose of abasing them, arrived there in order to be chosen and to receive the principal management of the kingdom. And those who, on the contrary, had thought to establish and even increase their authority, found that they were come there only to lose it and be put back into their first rank and estate.³⁹

³⁷ *Mémoires de Condé*, ii. 645. *Recueil de Pièces, etc., concernant la Tenue des États Généraux*, i. 68, 'Récit de ce qui s'est passé à l'Assemblée de Fontainebleau.' The writer says that this sentiment was expressed in the petitions, which is a mistake. It seems highly probable that Coligny, who had nothing to do with the tumult of Amboise and disapproved of it, said something like this in presenting the petition.

³⁸ *Ante*, xxiii, 1908.

³⁹ *Commentaires de l'Etat de la Religion et République sous les rois Henry & François seconds*, & Charles neuvième, ff. 111, 117, 1565.

This account of the situation when the estates assembled is confirmed by the declaration of the protesting nobles of the forty *bailliages* that

several provinces and bailliages have sent no deputies to this convocation, probably because of the news which they have heard of the death of the King which has caused them to turn back. This failure to appear has come because of the armed forces assembled all over the kingdom, which have caused intimidations and fears to many. Because of these fears, not only some deputies did not dare to come and carry out their mandates, but they have not been given, some say, as certain instructions as they would have received if things had been peaceable as they are now that the gate of justice is opened by the Queen.⁴⁰

Perhaps the apparent timidity of the delegates at Orleans arose from the fact that they were not sufficiently recovered from their fear of the troops. But that past fear does not fully account for the silence of Orleans followed by the declarations of Pontoise. It seems probable that the party which Masselin at Tours called 'the men of liberal opinions' wanted a better occasion to declare themselves on political matters. They wished to speak with a direct mandate from their constituents, and, sure of being able to force a dismissal and fresh summons of the estates, bided their time. In other words, the failure to express at Orleans ideas so boldly put forth six months later at Pontoise, may have come about because the majority was playing for position and willing to wait to gain it before making a declaration of principles. This conjecture is supported by the fact that there was a difference of opinion on matters of procedure among men who agreed in fundamental principle. The *noblesse* could not unite on one *cahier*, but handed in three, with several supplementary variations on minor topics by small groups. The large group, whose address suggested the need of formal endorsement of the regency government by the estates under direct mandate from their constituents, asserted that

the majority of the deputies agreed with them that the Estates ought to establish and confirm the royal council for the King's minority, but did not join in their request to be sent home to obtain power to act from their provincial Estates, being content with their powers and in no fear of disavowal.

There was a much better ground than the question of the regency on which to force a dismissal and reassembly of the estates—the question of taxation. It was better, not only because the right concerned, though always ignored, could hardly be denied absolutely, but, also, because the estates could bring pressure

⁴⁰ *Recueil des Cahiers Généraux des trois Ordres aux États Généraux*, i. 180.

to bear on this ground, which, under the circumstances, made the Crown unable to refuse dismissal to get instructions.

The debts of the Crown were enormous, and fifteen million livres of them were at extortionate interest. The Crown asked the clergy to relieve the king by buying back the sources of income he had pledged as security, and the third estate to vote an increase of the *taille* and the tax on wine. All over the world, wherever estates met, the right of consent to taxation was claimed. Even Bodin, who thought both France and England absolute monarchies, assumed this right. It is not, he says, 'in the power of a king in the world to levy a tax on the people at his pleasure any more than to take the property of another'. He was only echoing the idea of Commynes, who asks rhetorically, 'Is there a King in the world who has the right to levy a penny of taxes on his subjects without consent, except by tyranny or violence?'⁴¹ So far as France was concerned this right of consent had been for seventy-five years illusory. A few years after Commynes wrote those words in retirement, a man who, like him, had played a large part in affairs of state, Niccolò Machiavelli, visited France as an emissary of Florence. He says,

the French people are submissive and hold their Kings in great veneration. I have asked a great many people and they have all replied that the revenue of the crown depended entirely on the will of the King.⁴²

It was the same a generation later, when the Venetian ambassador writes,

the French have put all their liberty and will in the power of the King . . . so that now their title Reges Francorum might truthfully be changed to Reges Servorum. . . . The present King can boast of far surpassing all his predecessors as well in making his subjects pay extraordinary taxes to any amount he wishes, &c.⁴³

But although the idea that consent is necessary to taxation had been in France only a remarkable instance of the persistence of a traditional theory of government in spite of practice which denied it, the Crown dared not, in view of the temper of the realm, refuse to recognize the formal assertion of it by the estates after the estates had declined to vote taxes without instructions from their constituents. An attempt of the Crown to raise these taxes would manifestly have provoked universal revolt. There was nothing for the king to do but to dismiss the delegates with orders to consult in their governments and reassemble.

⁴¹ Bodin, *De la République*, ii. 8, p. 140; Commynes, *Mémoires*, v. 19.

⁴² *Ritratti delle Cose di Francia*.

⁴³ Alberi, *Le Relazioni degli Ambasciatori Veneti al Senato durante il secolo decimosesto*, serie 1, iv. 232 (1546).

Meantime, the government set itself to keep the peace. In January the king wrote to 'those of Geneva' that he had found that the terrible troubles of the kingdom have their principal cause in the malice of some preachers mostly sent by you or the chief ministers of your city, who have not only gone from house to house secretly impressing on the minds of the greater part of our subjects a pernicious and damnable disobedience, but, by an infinite number of defamatory libels and by sermons in large assemblies, have dared to publicly excite our people to open rebellion.⁴⁴

He begged them to recall these preachers and keep them from coming any more, or 'he will consider it a treacherous war on his kingdom and a just cause of quarrel before God and the world'.⁴⁴ But while the government tried to stop the importation of heresy, it did not intend to oppose the unanimous wish of the third estate backed by the express sympathy of two-thirds of the nobility. The estates-general at Orleans had this very considerable influence on the mind of the queen regent, that she was either led or encouraged by their opinion to change abruptly the whole policy of her father-in-law, her husband, and her eldest son in regard to one of the problems laid before the estates by the chancellor—the treatment of the religious situation. This was the most serious of them all, for it had already produced widespread rioting and two dangerous conspiracies, and was, in the judgement of her most trusted counsellors, pregnant with civil war.⁴⁵ On 31 January she described her new policy to her ambassador in Spain :

We have, during twenty or thirty years, tried cautery in the attempt to extirpate the contagion of this disease from among us, and we have seen by experience that this violence has served no purpose except to increase and multiply it. So much so, that by the vigorous punishments which have been continually inflicted on this kingdom, a vast number of poor people have confirmed themselves in this way of thinking until it has reached the point that many persons of good judgement have said that there is nothing more pernicious for the hope of abolishing these new opinions than the public death of those who hold them, because it is apparent that by these same persecutions they are strengthened.⁴⁶

In regard to the second of her great problems, the imminent bankruptcy of the government, the estates of Orleans had given

⁴⁴ Bibl. Nat., fonds Brienne, no. 205, fo. 103, partly printed in *Lettres de Catherine de Médicis*, i. 574 n.

⁴⁵ See the Venetian ambassador's report of his conversation with the queen mother, who agreed to his remark that changes in religion mean revolution: Bibl. Nat., MS. Italien 1721, fo. 225. The French ambassador in Spain quoted Philip II, 'how much the troubles in France had made him fear lest they should light some greater fire and bring on a civil war through all Christendom': Bibl. Nat., fonds français, 66114, fo. 76. See also the letter from Robertet to the ambassador in Spain, Bibl. Nat., fonds français, 6620, fo. 110.

⁴⁶ *Lettres de Catherine de Médicis*, i. 577.

no suggestion of help, and she and L'Hôpital dared not strain the breaking bow of the people's patience any further by imposing a new and unauthorized tax. They were obliged to wait until the delegates were returned with instructions, and to bear as best they could their extreme lack of money.⁴⁷

The king therefore called the estates of Paris to assemble on 11 March, and, at the same time, forbade all persons to communicate in writing any reports of the estates held at Orleans. Another mandate of about the same date ordered that delegates for the estates-general to be held on the 20th, should not be sent up in the regular fashion, but that each of the provinces should choose three representatives, one for each order.⁴⁸ The meeting of the estates of Paris made evident what had been latent at Orleans, but with an entire absence of the mild tone of that assembly. They were unwilling to give their delegates any mandate to pay the debts of the king or buy back the domain. They resolved,

before anything should be offered by the Estates, it ought to be made plain where so great a debt as forty-three millions had come from. It could not have been accumulated in twenty years if the finances had been well administered. After restitution shall have been made of the undue and immense gifts which some have received to the oppression of the poor people, everybody will do his duty and help the King.⁴⁹

This was very different from the expressions of the estates of Orleans. But from the point of view of the queen mother, wielding the power of the Crown by the express wish of the boy king, something very much more ominous followed. A paper has survived from the meeting of the estates of Paris which a late copyist headed *Délibération Insolente des États Particuliers du Prévosté et Vicomté de Paris*.⁵⁰ The original⁵¹ seems like a rough draft of a project for a series of resolutions to be brought forward in the estates, but the letters of the queen mother show that it was discussed and some at least of the propositions adopted. The Venetian and English ambassadors also reported the substance of it as passed.⁵² On the other hand, the royal letter to the

⁴⁷ See a letter of Morvilliers, mentioning the lack of money to pay salaries at court, Bibl. Nat., Cinq Cents de Colbert, tom. 394, ff. 38, 45; and the Venetian ambassador's dispatch, Bibl. Nat., MS. Italien 1721, fo. 289, 'The scarcity of money is so great as to be almost incredible.'

⁴⁸ Bibl. Nat., Portefeuilles de Fontanieu, tom. 297, fo. 34, and Clairambault, tom. 354, fo. 206.

⁴⁹ 'Extraict des Registres de l'Hôtel de Ville,' Cinq Cents de Colbert, tom. 252, fo. 219.

⁵⁰ Bibl. Nat., Portefeuilles de Fontanieu, tom. 297, p. 191, printed in *Négociations, Lettres et Pièces Diverses relatives au Règne de François II, Documents Inédits*, p. 833.

⁵¹ Cinq Cents de Colbert, tom. 27, fo. 349.

⁵² Bibl. Nat., MS. Italien 1723, fo. 20; *Calendar of State Papers, Foreign*, 1561, p. 42.

parliament of Paris assumes that these resolutions were not passed, for it says, 'some of those who were present amused themselves by discussing the matter of government and administration of this kingdom'.⁵³

The resolutions are as follows :

The Estates held at Paris the fifteenth of March have decided that the government ought to be in the hands of the King of Navarre, leaving to the Queen the care of the person of the King. They require that all of the House of Guise should be not only removed from the councils of the King, but separated from the company of his brothers, and, in order to make sure that governors should be given to those princes whose sincerity and integrity will insure for them good and pious instruction, Admiral Coligny and President Ferrier should be appointed as governors.

All cardinals, bishops, and other persons who have given an oath of allegiance to any other person beside the King, should be deprived of the right to sit in the royal council, even the cardinal of Bourbon (second Prince of the Blood).⁵⁴

The Marshal St. André shall not be of the royal council any more and shall give account of the excessive gifts which he received of the late King Henry. The members of the Council outside of the Princes of the Blood are the Constable, the three other Marshals of France and the Admiral and, beyond that list, the Estates should give advice.

They have entirely revoked all done and decided at Orleans as done by persons who had no power to act.

They demand that, before responding to what has been proposed to them, a legitimate council should be established round the person of the King . . . and the Estates give notice that, if anything is attempted or ordered otherwise than by those who are made members of the council by the advice of the Estates, they will appeal to the first meeting of the Estates General legitimately assembled, on the ground that such action is null and void.

They demand that the Chancellor shall suspend the exercise of his office because he has not been appointed by the Princes nominated to the Council by the said Estates.

They demand that all those who have conducted business of state since the death of Henry the Second shall render accounts and hand over the balances to be used in paying the debts of the King.

No trace remained of the gentle scrupulosity of the protesting nobles at Orleans when they pointed out that, in spite of the 'gratitude they owed the Queen Mother for her excellent virtues and their feeling that France was perfectly happy in having the government entirely in her hands', it would be safer that the government should be confirmed by delegates with express power from the provincial assemblies. No wonder Catherine was very much alarmed. Here were demands, and a tone in making them,

⁵³ Bibl. Nat., Béthune, 8676, fo. 8.

⁵⁴ Another hand has written in here 'unless he gives up the red hat'.

which no Frenchman had ever heard—a tone no Englishman was to hear from any parliament until the next century.

It might be supposed that this discussion and its outcome was simply the result of the enormous Montmorency influence in Paris.⁵⁵ The second article attacking the house of Guise, the nomination of Admiral Coligny as governor of the young king, and confining the accounting for the gifts of Henry II to the Marshal St. André, omitting the Constable Montmorency, looked like it. But although Montmorency influence may have given the protest shape, the event showed that it represented a feeling, a demand, and constitutional ideas widespread throughout France. It was the thought that this might be true which frightened Catherine. In a letter written the latter half of March,⁵⁶ to an adherent in Brittany, she begged him, if it were not too late, to prevent any resolution similar to the first article being brought up in the estates, because she prefers that they should take 'her life if they took her honour'. To stop the movement she entered into negotiations with the king of Navarre, which ended in her signing an agreement making him lieutenant-general 'as Monsieur de Guise was under the late King', to do 'nothing without communicating with him', and that 'he should be named in every letter where she was named'.⁵⁷ Catherine thought this accord left the victory with her. She wrote that he commanded all the military forces, but under her. He had signed a promise remitting to her in advance any power and authority which might be attributed to him by the estates, and 'consented that she should command absolutely everywhere, disposing of all the offices, the seal, the dispatches, and the command of the finances'.⁵⁸ The ambassadors of Venice and Spain thought she had restricted herself to dependence on others and was in danger of being obliged to give up the remnant of her authority, and, by degrees, coming to have nothing but the care of the person of the king, and 'God grant that she can still maintain herself in that'. The English ambassador, on the other hand, thought Navarre had agreed 'out of weak courage'.⁵⁹

However sure Catherine felt herself, or pretended to feel herself, in her authority after this quick shift of the pieces in the game of court intrigue, she had no wish to see the representatives

⁵⁵ La Planche, in *Le Livre des Marchans*, pp. 454, 464, asks 'who does not know how many of our chief *bourgeois* and lords of justice are vassals or rent-payers of the house of Montmorency? At the very least two thousand of our richest citizens.'

⁵⁶ The date is illegible. M. de la Ferrière has assigned it to the 11th, which is some days too early, *Lettres de Catherine de Médicis*, i. 174.

⁵⁷ *Lettres de Catherine de Médicis*, supplément, p. 32.

⁵⁸ Letter to ambassador in Spain, *Lettres*, i. 177.

⁵⁹ Bibl. Nat., MS. Italien 1723, fo. 22; *Lettres*, i. 178 n.; *Cal. of State Papers, Foreign*, 1561, p. 43.

of the provinces meet in their new mood. She cared little for theories of government, constitutional or other, but she was glad to use absolutist phrases that might help to gain her ends. Word was sent that the provincial estates had no power to discuss the government, but only the means of paying the king's debts. They were called for another date, the 10th of June, because 'for most of the provinces the assembly which had been held was illegitimate'.⁶⁰ The new estates were forbidden to discuss the double government of Navarre and the queen mother, and ordered to take resolution on the finances, and choose three representatives from each province to meet at Melun on the 1st of August.⁶¹ The new arrangement of the government was disliked by Catherine's son-in-law, the king of Spain, for Navarre was supposed to favour the heretics; but he took a characteristically crafty way to flatter her. He ordered his ambassador to congratulate her, and, in addition, wrote to his wife a letter⁶² speaking of his desire that her mother should remain in grandeur, honour, and sovereign authority. Elizabeth gave the letter to the French ambassador (can we doubt that she knew it would not be disagreeable to her husband?) and the ambassador sent it by a special and secret courier to Catherine, adding that he assured himself she would know 'it should be burnt to ashes'.

Events seemed at first to confirm the queen mother's judgement of this new arrangement. The Venetian ambassador reports that 'there never had been such quiet and union at Court. The King of Navarre recognizes the Queen Mother as his superior more than ever'.⁶³ But though peace prevailed for a time in the palace, it did not reign throughout the kingdom. He wrote again two weeks later, 'this once flourishing kingdom has become so weak that its friends have nothing to hope or its enemies to fear from it'.⁶⁴ The queen mother did not trust to the royal prohibition to discuss the government. Two instances suggest the sort of letters that probably went out from the royal secretaries. One, sent to Brittany, directs the recipient to try and get the results hoped for from the estates through the people who have credit and authority among them. The other asks the recipient, as one of the greatest *seigneurs* of those parts, to go to the estates at Tours and to take care, as dexterously as he can, lest the deputies enter into the controversies and disputes into which they lately fell.⁶⁵ Throckmorton reported, on 21 May, that he 'understands the Queen Mother labours all she

⁶⁰ *Lettres de Catherine de Médicis*, i. 178.

⁶¹ See the royal letter calling the estates, Bibl. Nat., Béthune, 8676, fo. 8.

⁶² Bibl. Nat., fonds français, 6618, fo. 71; A. de Ruble, *Antoine de Bourbon et Jeanne d'Albret*, iii. 68.

⁶³ Bibl. Nat., MS. Italien 1723, fo. 278.

⁶⁴ *Ibid.* fo. 25.

⁶⁵ Bibl. Nat., Cinq Cents de Colbert, tom. 27, fo. 314; Béthune, 8697, fo. 1.

can, that all those deputed from the provinces to the Estates may be changed, because in the last assembly they devised things to her prejudice'.⁶⁶ These efforts were not successful. When the estates of Paris met on the last day of May, the efforts of President de Thou could not confine them to the question of granting supply. They wished to discuss 'the ordering of the government according to the ancient constitution', and also to examine 'the accounts of past administration'.⁶⁷ The king was obliged to suspend the meetings.

Under these circumstances, ominous for the regency of the queen mother, thirty-nine delegates, representing each of the three orders of the thirteen provinces of France, were to meet at Pontoise in August 1561. But at the same time there had been called at Poissy, less than ten miles away, a council of the church, also advised by the assembly of notables at Fontainebleau.⁶⁸ This situation seemed to the parliament of Paris pregnant with danger. They pointed out that there were two sets of delegates representing the order of the clergy meeting at the same time, and protested against the possibility of contradictory results from two bodies each claiming to speak for that order. Nevertheless, La Place says that all three orders presented *cahiers* which are kept in each of the thirteen governments of this kingdom where they can be seen with the answer of the royal council to each article. They are to be published; which has been suspended until the King is pleased to order it.⁶⁹

At the beginning, the existing government was confronted with a difficulty in the refusal of the estates of Pontoise to recognize a regency which had not been established by the representatives of the people. The reluctance of the nobility and clergy was soon overcome, but the third estate held out for some time, alleging that their mandate was to confirm the authority of the princes of the blood, thus breaking the agreement of Catherine de Médicis and Antony of Bourbon confirmed by the king. Largely through the influence of Admiral Coligny they were induced to abandon this opposition and

to agree to the accord made between the Queen Mother and the King of Navarre . . . very humbly supplicating the said lady, whose great virtues and large experience in the affairs of the kingdom they know, to consent to continue in the government and administration of your (the King's) affairs.

The *noblesse* repeated the same formula of acknowledgement.⁷⁰ They saved, however, the constitutional point that this consent

⁶⁶ *Cal. of State Papers, Foreign*, 1561, p. 122.

⁶⁷ 'Extrait des Registres de l'Hôtel de Ville,' Cinq Cents de Colbert, tom. 252, fo. 221; dispatch of the Venetian ambassador, Bibl. Nat., MS. Italien 1721, fo. 317.

⁶⁸ *Collection des Procès-verbaux des Assemblées Générales du Clergé de France*, i. 16, Paris, 1767.

⁶⁹ *Op. cit.*, p. 235.

⁷⁰ *Cahiers*, Bibl. Nat., fonds français, 3970.

should not be made a precedent for the unauthorized assumption of a regency by declaring that it was only granted to the queen mother for her worthy personal qualities.⁷¹ But before this difficulty was got over, a new one had arisen. The estates refused to consider the problem they had been assembled to meet—how to find money for the debts of the Crown—until the *ordonnance* embodying the remedies for the grievances presented at Orleans should be issued. In other words, they insisted that redress should precede supply.

An *ordonnance* embodying the greater part of these requests had been laid before the parliament of Paris for registration in the end of July. The parliament appointed a committee to examine it. A week later the queen mother urged the need of haste, and five days after that, the *ordonnance* being still under discussion by parliament, the king of Navarre and several princes of the blood came to the meeting to urge its immediate registration. The first president said they needed time to examine the *ordonnance*, and suggested that they were not to blame for delay, inasmuch as the *ordonnance* might have been laid before them any time in the past seven months. He pointed out that some of the reforms proposed were schismatic and opposed to decrees of councils and canons of the church. The phrases of the first president gave such offence to the queen mother that he was ordered to remain in his house under arrest. Continued threats by the government of the regency finally broke down the resistance of the parliament, and the *ordonnance* was registered, with a few changes to meet the wishes of parliament, on 12 September 1561. A comparison of the original draft of the *ordonnance* with its final form and the protests of parliament⁷² shows that parliament was not altogether disinterested in this apparent stand for the right of unlimited deliberation on royal edicts. The changes which they could not force the Crown to accept were of two sorts. First, they sought to hinder any of the proposed reforms in the church which lessened the exclusive authority of the clergy; for example, they wished to cut down the twenty-four lay delegates from the *noblesse* and *bourgeois* who were to participate in the election of bishops to twelve *bourgeois*, and to make the election by the clergy final, without a choice of candidates by the king. Such protests came out of high churchmanship or out of a liking for things as they had been. The second

⁷¹ Bibl. Nat., MS. Italien 1723, fo. 76. Baron de Ruble, *Antoine de Bourbon et Jeanne d'Albret*, did not use fonds français 3970, which contains the *cahiers* of Pontoise, for his account of that meeting of the estates. He says, therefore, 'Le tiers refusa obstinément son assentiment. Mais la majorité de l'assemblée générale ratifia le pacte de la régente et du lieutenant général.' The *cahiers* rectify this statement.

⁷² *Recueil de Pièces Originales*, &c., i. 287, 331; Isambert, *Recueil général des anciennes Loix Françaises*, xiv. 63.

class of vain protests are plainly dictated by a desire to obstruct reforms which lessen the profits of lawyers. They suggest an attempt to support the Crown by blocking needed reforms, by which their class suffered. Such, for example, was their successful resistance to the suppression of useless legal offices without repayment of the money paid to obtain them. This led to the indefinite postponement of the suppression of a large number. They also vainly protested against the clause prohibiting judges from accepting presents from litigants in suits before them and forbidding the taking of benefices or pensions for their families by judges, advocates, and prosecutors. It seems as if the *noblesse* at Pontoise finally took the view that the parliamentary opposition to registering the edict was selfish, for in their *cahier* they demanded that

all reforms asked for at Orleans, formulated by the King in council into edicts, according to the clear answers of the Estates, should be published and kept in the kingdom without any court of parliament being able to undertake to limit or modify them.

This obstacle to obtaining the money for which he had called the estates the king was able to surmount. But he found the third estate entirely unwilling to relieve his necessities. The *noblesse* points out that, since the accession of the late King Henry to the Crown, the people have paid many and heavy taxes and are reduced to want. They recommend a seizure of property from the larger clerical benefices sufficient to pay two-thirds of the Crown's interest-bearing debts; the rest to be paid by the third estate. The third estate, complaining that it is so oppressed by some thirty enumerated sorts of taxes and exactions that it 'can offer your Majesty nothing but good will', advises the seizure of the income of all benefices not actually served by the titular, a tax on all clerical incomes up to 33 per cent., with the sequestration of all exceeding four thousand livres a year, except that bishops may spend six thousand and archbishops eight thousand. All monastic incomes are to be seized except enough to provide food and clothing and supply their customary doles. If this is not enough to pay the king's debts, they recommend the sale, for the benefit of the Crown, of all urban real estate belonging to ecclesiastics and, if still more is needed, the sale of vessels and jewels of the churches. An alternate plan was to sell all the clerical property of the kingdom, pay the debts out of the resulting sum, and establish a great loan fund to be administered by the cities. This latter plan would stimulate commerce by defending merchants from usurers and would pay for the army and the fortifications of the frontiers. The remainder of the ecclesiastical property, about 40 per cent., would produce an ample revenue

out of which the clergy could be paid. With such a temper as this among the representatives of *noblesse* and *bourgeois*, it is small wonder that the Crown could, after a little bickering, obtain large concessions from the assembly of the clergy at the neighbouring town of Poissy. They agreed to pay sixteen hundred thousand livres a year for six years, and, at the end of that time, to begin the repayment of further debts amounting to seventy-five hundred thousand livres to be finished in six years. This was not as much as the queen mother asked, but it relieved her most pressing necessities and was accepted.⁷³

The fact that the outcome of the estates of Pontoise was the acceptance of the joint regency of the queen mother and Navarre and the provision of a large sum of money, makes their political utterances the more significant, because it shows the widespread existence among the people they represented of the political ideas underlying a constitutional monarchy. Some of these utterances cannot be paralleled from an English parliament until the grand remonstrance. The Baron de Ruble, though in his brief account of the estates of Pontoise, '*Assemblée trop négligée par les historiens,*' he does not refer to their *cahiers*, is perfectly justified in his summary judgement that in them '*La théorie du régime constitutionnel surgissait en France plus de cent ans avant son triomphe en Angleterre.*'⁷⁴ The truth of this judgement can best be brought out by a brief summary.

After accepting the agreement made by the queen mother and Navarre for a joint regency, the *noblesse* go on to require the submission of a list of the royal council for their approval. When they had received that list, they agreed to it, except that they excluded ecclesiastics from membership, because they ought not to leave their spiritual charges for temporal affairs, and also because they were bound by another oath besides that taken to the king. In addition, they declined to approve the membership of any who had managed the finances of the kingdom until they had rendered account to the satisfaction of the commissioners of the estates, a list of whom they sent to the king.*⁷⁵ They then proceeded to lay down certain rules for the conduct of business by the council.*

In order that, on all subsequent occasions, the authority of the estates, which has been despised through illegitimate procedure in the establishment of the government, may always be preserved and guarded, the estates are determined to renew by a perpetual and irrevocable law the ancient custom which

⁷³ *Recueil de Cahiers Généraux*, i. 102, 103.

⁷⁴ *Antoine de Bourbon et Jeanne d'Albret*, iii. 146.

⁷⁵ This summary is based on the more radical *cahier* of the *noblesse*. An asterisk after a sentence or paragraph indicates that the same demand was made in the same or in similar form by the third estate.

provides that, on the accession of a king less than twenty years of age, the estates ought to be convoked to establish a government. And be it added that the nearest princes of the blood are under obligation, within three months of such an occasion, under penalty of perpetual reproach for neglecting the safety of the state, to call the estates. In case they fail to do this, every *bailliage* and *sénéchaussée* can, on their own motion, elect three deputies to assemble at Paris on the fifteenth of the fourth month after the said day, at twelve o'clock, in the palace, and proceed, the present for the absent, to arrange the government of the regency.⁷⁶ Until that time the government is to be administered by the princes of the blood, subject to approval by the estates, and any one not of their number who shall assume to act in the government shall be attainted and convicted of treason. This law, the estates declare, is very necessary for the safety of the Crown, and they require and expect that it will be confirmed and approved.

Without the approval of the estates they forbid the granting of appanages to the brothers of the king, borrowing at interest by the king, increase of taxes. Hence all increase of taxes since the estates of Tours is void and illegal.* They forbid without the consent of the estates any war or any league which might cause war. The king and his subjects have the right to put on trial those who urge or cause his majesty to make war, break a peace, or enter a new league which leads to war, without the consent of the estates. Under no pretence whatever can the king alienate his domain either in title or usufruct. Royal gifts made by the king without the approval of his council can be recovered from those who have received them or their heirs by a succeeding king and by his subjects. The estates demand that all receipts and expenses of the government since the accession of Henry II shall be laid before the estates-general, to see if all taxes collected have been paid into the treasury, if all paid in have been faithfully used, and if all alleged royal debts are really due. They demand that the money raised from the church for the royal debts shall be handled by commissioners appointed by the estates of each province.

They demand the convocation of the estates-general every two years.*

Each *bailliage* or *sénéchaussée* may hold estates annually without royal commission, on the fifteenth of October, to provide for the collection of taxes, the service of the king, and the public good. These estates shall have power to decide disputes about the rights of the clergy, nobility, and third estate, and to manage the policing of the country. They demand the establishment of poor-rates in each parish in charge of the *seigneurs* and the

⁷⁶ The resemblance to the first Triennial Act is evident.

curé, to be formed from the contributions of all property owners whether resident or not.

They demand that persecution on account of religion shall cease (except in the case of anabaptists, libertines, and atheists), and that a *temple* shall be granted in each city where it is wanted, in order that dissenting worship may there be celebrated under the supervision of a royal officer. All secret assemblies and all iconoclasm or violence, either against the orthodox or dissenting worship, is to be sternly repressed.* The jurisdiction of ecclesiastical courts in civil cases is to be abolished, and no ecclesiastics are to be exempted from the king's justice in the regular courts.*

From the château of St. Germain-en-Laye, within easy reach of both cities, the queen mother watched the proceedings in Poissy and Pontoise. We know what she thought of them from a long letter of 29 August in cipher written by her secretary L'Aubespine to his brother, the bishop of Limoges,⁷⁶ at the request of the queen, 'who ordered me last night to send you this long description of affairs which trouble her deeply'. She is angered at the obstinate resistance of the prelates to serious reforms or to concessions which might stop the rioting about religion. The only things which strike her in the utterances of the authorities of the estates are their anti-clerical tone, their apparent desire 'to change little by little the old religion', and the demand for accounts from the ministers of Henry II. She sees in the situation only a centre for court intrigue, because the 'relatives of the gentleman (Mary queen of Scots) push the wheel of trouble', and the *seigneur* (the constable Montmorency) 'gronde comme un cheval' over the demand for an audit, and all 'blow the fire as hard as they can to frighten her'. She feels she is forced 'to bake the cake while others mix the dough'. The possibility of finding in the estates a force on which she might depend in her difficult situation, 'left with three little children, in a realm torn by faction, without a single person in whom I can have entire trust',⁷⁷ never occurred to her. Perhaps it is an idle speculation to make the suggestion of the possibility of a *politique* or national party, built around a liberalized Crown, as Henry IV a generation later built it around his absolute Crown. At all events, it was a possibility too large for the acute but narrow mind of Catherine, that convinced opportunist, beginning, as yet timidly, her policy of balance by which, down to the very year of her death, she strengthened her own influence whenever it was menaced; even at the cost of nourishing the factional strife which was destroying France.

PAUL VAN DYKE.

⁷⁷ Bibl. Nat., fonds français (deciphered modern copy), 6618, fo. 4.

⁷⁸ Letter to Elizabeth, December 1560, *Lettres de Catherine de Médicis*, i. 158.

The Old Sepoy Officer

II. THE MUTINY OF THE NINTH BATTALION :

MAKHDUM SAHIB

ON 30 January 1775 the Madras council, in reply to an application for assistance from Bombay, decided to send the ninth battalion of native infantry, which was then stationed at Trichinopoly. Instructions were accordingly issued to Colonel John Bellingham, the commanding officer at that station, to instruct Captain Robert Kelly¹ to get his regiment ready to march to Anjengo *en route* by sea for Bombay. The battalion was to march as lightly equipped as possible, and as the men could not take their families, arrangements were to be made with the paymaster to make them a suitable allowance during the absence of the soldiers, which it was supposed would be only for a few months. At the same time Captain William Cooke,² commanding at Palamcottah, was asked to arrange with the raja of Travancore for the passage of the troops through his territory. On 6 February Colonel Bellingham reported that the battalion had started. On the evening of 14 February, when Captain Kelly was about to set out from a place called Verdapettah, the acting³ commandant, Makhdum Sahib, informed him that the men

were clamorous from right to left, saying that they had been deceived, that they understood they were to march by land to Bombay, that they [had] never heard of a whole battalion being ordered to go on board a ship, that it was always customary to take volunteers on such occasions, and that they would not be forced by any means.

Captain Kelly, after consulting with his European officers, harangued the men, explaining that they were honoured by being selected out of their turn for active service, but that he would not use any force to compel them. The men looked sulky and discontented, but they marched. From certain circumstances Captain

¹ Robert Kelly, entered the army 6 October 1760, captain 27 November 1765.

² William Cooke, entered the army 6 September 1759, captain 13 November 1765.

³ In the *Madras Military Consultations* of 8 May 1775 the name of the actual commandant is given as Noor Muhammad.

Kelly suspected that the native officers were at the bottom of the trouble.

On the 16th at Coilpettah the men again refused to march, and Kelly and his officers were in despair. Kelly wrote to Brigadier-General Smith as follows :

Sir, With sorrow and shame I am now to inform you that the glory of the Ninth Battalion is now totally extinguished. For every method that could be suggested has been try'd to persuade them to go to Bombay by the way pointed out to them by the Governor and Council. But their determined answer is that on board ship they will not go even for one day or an hour. And they not only desire but insist on it that I acquaint the Honourable Board through you, Sir, with this refusal of their orders and that they refuse to stir from this spot until they have your answer.

God knows, Sir, where this will end. I have endeavoured to persuade them to march to Palamcotta, but they will not be brought even there unless I promise them protection against force. And many of them swear that they will not move further southward on any account. However, if nothing else will do I must promise them everything they demand, for here we cannot stay.

There is one expedient, Sir, still left to be try'd at Palamcotta if ever we get there. Some of the Black Officers assure me they may then by gentle means bring over many volunteers to our side, and if all that could be obtained from the Fifth and Seventh Battalions were joined we might make up a respectable body.

I will not longer delay the *Tapal*,⁴ for I am really so sick with vexation that I cannot now give you the particulars of this shocking affair, but will undertake that disagreeable task at Palamcotta. In the meantime, I am &c. &c.

This mutiny appears to have been totally unexpected. On previous occasions, as in Clive's expedition to Bengal in 1756, the expedition to Manilla in 1762, and in the dispatch of troops from Bengal to Madras in 1767, no objection had been made by the sepoy to journey by sea. It is true that in all these instances, and especially in the last,⁵ the hardships suffered by the sepoy, and more particularly the Hindu sepoy, had been, through bad management, excessive, but it could hardly have been expected that such an outbreak would take place in a battalion the native commandant of which was a Muhammadan and therefore a man not likely to be in sympathy with Hindu prejudices. No secret had been made of their destination, and the sepoy, though they pretended otherwise, must have been aware as soon as they were ordered to march to Anjengo that it was intended they should

⁴ *Tapal* or *tappal*, a postal messenger.

⁵ In this case the troops insisted on being landed and refused to continue the journey by sea (Wilson, *Madras Army*, i. 290). On their return in 1769 two companies of the third battalion were drowned (Williams, *Bengal Native Infantry*, p. 180):

go by sea. It would seem, therefore, that the reason why the mutiny did not break out before the battalion left Trichinopoly, was that the instigators wished to get the men away from the other battalions, the soldiers of which would have jumped at the chance of active service in their place. The Madras council received the news without much concern, simply issuing orders to the commanding officers of various military stations to send volunteers to join Captain Kelly at Palamcottah. They did not even take the trouble to give any orders as to the way in which the mutineers should be dealt with.

Meanwhile Captain Kelly managed to bring his men to Palamcottah, where he had the advantage of being able to consult with Captain Cooke and of knowing that he could count upon support should the use of force be necessary. On 18 February, accordingly, he wrote to General Smith in much better spirits :

Sir, I have at length made a considerable party against the mutineers, and have, after consulting with Captain Cooke, determined to treat them with as little ceremony as they did me on the road. I have promised immediate promotion to those who obey orders at the expense of those who do not, for I find nothing else will do.

I am sure the letter I now enclose you, Sir, would hang all the soldiers in the army. It was wrote by their own orders and dictated by their chief Orator, and had there been room on the paper and time they would not have been afraid or ashamed to have signed.

Captain Cooke has promised me all the volunteers I can raise in his battalion, and I have reason to think Colonel Brathwaite⁶ will send me some from Madura. There is time enough for the assembling of them, for there are not vessels enough at Anjengo to transport the whole at once. I will therefore, as the Travancore Rajah has sent a very gracious answer, send them off by small detachments so regulated as to give the least trouble possible.

I hope by tomorrow night, Sir, to give you a better account of our situation. In the meantime I remain &c. &c.

The 'hanging letter' referred to by Captain Kelly is as follows :

Address to General Smith from the Sepoys of the Ninth Battalion

When the battalion was at Trichinopoly an order was given out by Captain Kelly to prepare for marching and everything was got ready for that purpose. A second order was issued directing us to leave our families there and give notice to the Writer⁷ of the sum we should chuse to have paid them for their maintenance. Upon this we begged to know

⁶ John Brathwaite, entered the Company's army as major 21 June 1770, lieutenant-colonel 22 October 1772.

⁷ The battalion clerk, who was under the immediate orders of the paymaster. Down to 1769 the accounts of the battalions were kept by *Vakeels* (see Wilson's *Madras Army*, i. 329).

the place of our destination and were told Anjengo in the Kingdom of Maliraullam,⁸ from whence it would be impossible to send anything ourselves for the sustenance of our families. We therefore agreed to what was proposed in confidence that our masters intended nothing but our benefit. But on our arrival at Madura, we heard a report that we were to be put on board of ship and sent to Bombay, though on being told so we discredited the report as we did not imagine that would be practised upon us of which no instance had been known before, and trusted at all events that no compulsion would be used.⁹ In this manner we replied to all that spoke to us on the subject. On our leaving Madura however we found that our Captain and officers had left their horses and superfluous baggage in that place, a circumstance that confirmed what we had heard and increased our apprehensions. These therefore we communicated after the second day's march to our Jemidars and Subidars at a place called Birudapatty,¹⁰ and the Captain upon this ordered us to form the square. He then told us openly that we were to go to Bombay, and, as we were under arms, we thought it an improper time to make any reply. But having left that place and arrived at Salloor, the drum beat at evening for marching and our Subidars and Jemidars ordered us to arms, which however we declined, assigning as a reason our unwillingness to go to Bombay by sea. Our Captain then came and asked us why we refused to take our arms. We told him that hitherto the English had never used compulsion in putting us on ship board and that his intention of doing so was the cause of our present conduct. The Captain upon this drew his sword and swore to us that he would put none on board of ship against their will. Since that on our arrival at Covilpatty the Captain ordered our Subidars and Jemidars with three Havildars, three Naigs and three Sepoys out of each company to come before him, who being again questioned concerning the behaviour of our battalion replied in our names that we were willing to go by land wherever ordered, and that we had never yet hesitated to go to battle, wherever it might be, on the Company's account, but on board of ship we could not go though we were to die for it.

We have therefore made this representation to you, Sir, and shall stay in Palamcotta till your answer arrives.

The meeting between Captain Kelly and the representatives of the men, which has been mentioned in the above petition, took place in Captain Cooke's house and in his presence. Captain Kelly called upon all who were prepared to obey orders and go to Bombay by sea to come over and stand by him. All present did so except the commandant, Makhdum Sahib, two subadars, of whom Vencatchellum was one, and two jemadars. Captain Cooke, who knew Vencatchellum personally, asked him by name how he dared to refuse to do his duty. He replied that only one

⁸ One of the names for what is known in English as Travancore.

⁹ In the Manila expedition a month's pay was advanced to the sepoys as well as four months' pay 'to encourage them the more readily to enter on this service' (Wilson, *Madras Army*, i. 179), but there is no record of any one being unwilling to go, or of any necessity to call for volunteers.

¹⁰ Above called Verdapettah.

man of his company would follow him, and therefore he did not stand up. Captain Cooke then turned to Makhdum Sahib and asked him how it was that he, who ought to be the first to set a good example to the battalion, could refuse to volunteer. As he hesitated to answer, Captain Cooke asked him point blank whether he refused to go to Bombay. His reply was,

‘Yes, I am ashamed to be at the head of such fellows, who not only abused me and my family and made use of all the bad names they could invent but drew their bayonets on me at Salloor [this was denied by all the witnesses later on] and would have put me to death had not the Captain galloped up to my relief.’

The meeting had the satisfactory result of separating the loyal from the disloyal, and soon after one of the subadars named ‘Fakeer Labeck’ (Labbaik) gave Lieutenant Urban Vigers¹¹ a written statement in which he recapitulated the chief details of the mutiny and ascribed it entirely to the instigation of Makhdum Sahib, whose own company had been the first to refuse to obey the order to march. Makhdum Sahib had told the sepoys that if they were firm in their refusal no one could force them to obey, but that they must not mention his name or disclose the fact that the native officers had anything to do with their action. The worst, he told them, that could happen was that the battalion would be disbanded, in which case he undertook that on offering him a small present the Nawab would take them all into his own service.

This information being confirmed by what was known to all the officers, Captain Kelly arrested Makhdum Sahib, and the circumstances not admitting of the holding of a regular court martial, he, on the advice of Captain Cooke, held a council of war, composed of his own officers and those of Captain Cooke’s battalion. This council assembled on 21 February

in order to examine into the cause or causes of the late sedition and mutiny in the Ninth Battalion, and to give their opinion of the punishment necessary to be inflicted on the author or authors of the said mutiny and sedition on full conviction.

Captain Kelly opened the proceedings by briefly detailing, for the benefit of the officers of the 7th battalion, the facts of the case. The statement of Fakeer Labeck was then read and translated by a subadar of the 7th battalion, and was sworn to by Fakeer Labeck and the persons named in it. A number of other witnesses gave evidence incriminating Makhdum Sahib, and even the European sergeants swore that, from all they could learn from the men, Makhdum Sahib was the sole cause of the disturbance, and that the battalion would willingly go to Bombay were it not for him.

¹¹ Urban Vigers, entered the army 2 August 1770, lieutenant 17 February 1772.

Makhdum Sahib's defence was recorded as follows :

He says it is well known to all the Gentlemen of the battalion that it is a custom of the Black people if they owe one another any spite to accuse them falsely. 'Now in this battalion I have four enemies. The first and greatest of them all is Fakeer Labeck, Subadar. The second is Meer Jakob, Jamedar, the third Mahomet Husman, Subadar, and the fourth is all the Sergeants¹² of the battalion, and there are also some Havildars and Naiks because I did not recommend them for promotion when they expected.'

Makhdum Sahib called upon certain of the witnesses to repeat their statements on oath, which they did. He then called upon a few witnesses of his own, but all they could say was that they had not heard him incite any one to mutiny. Captain Kelly pointed out to him that such evidence did not help him, and asked if he could produce any evidence to show that he had done anything to keep the men in order. Four of the havildars, two of the naiks, and two sepoyes swore that he had done so, but their evidence was discounted by the fact that some of them had previously given evidence against him, and now, on cross-examination, declared that at one time Makhdum Sahib told the men to be obedient and at another not to obey.

The record concludes :

After mature deliberation on the several examinations, the Council of War are unanimously of opinion that Makhdum Sahib, acting Commandant of the Ninth Battalion of Sepoyes has been the principal cause and promoter of the late sedition and mutiny in the battalion and that he is guilty of mutiny himself, and that the punishment proper to be inflicted on him for such a crime, in such a person, and on such exigency of service, is Death.

On the afternoon of 22 February Captain Kelly carried this resolution into effect. The manner in which he did so is recorded in the *Military Consultations of Madras* for 6 March 1775 :

Captain Kelly advises us that as the exigency of the case required, in his opinion, the most exemplary and the most striking mode of inflicting the punishment, he had caused the Commandant to be blown away from a gun in the presence of the battalion, which, to the number of nine hundred men, turned out voluntarily to witness the execution. Captain Kelly thinks he will have no occasion for any recruits from Captain Cooke's battalion, and, from the behaviour of the Sepoyes at the execution of the Commandant, he hopes there will be few desertions. He has promoted one of the youngest Subadars to be Commandant and altered the dates of rank of the others according to their behaviour. Three Subadars, five Jemadars with several Havildars and Naiks he has dismissed for their bad conduct in the late mutiny.

¹² The position of the commandant with regard to the European sergeants was evidently a delicate one. In fact many of the commandants rose from the ranks, and practically all the rest from the lower grades of native officers.

The Board are well pleased to observe the good effects which the exemplary punishment of the Commandant has had upon the battalion, and it is hoped that the Sepoys will now proceed without reluctance to the service they have been ordered upon. Captain Kelly's conduct in so critical a situation has been highly commendable.

Makhdum Sahib's evil influence being removed, there was no further difficulty about the voyage to Bombay, and so well did the battalion behave on this and subsequent occasions that we find the following passage in the Fort St. George (Madras) General Order of 6 August 1839 :¹³

In consideration of the readiness always evinced by the Ninth Regiment of Native Infantry to proceed on foreign service from the earliest period at which the native troops of this Presidency were required to embark on ship board, the Right Honourable the Governor in Council is pleased to permit that regiment to bear on its colour and appointments, in addition to the word 'Ava', a galley with the motto 'Khooskee wa Turree' [By land and by sea] in the Persian character.

However informal the nature of Makhdum Sahib's trial, the change in the behaviour of the battalion produced by his death leaves no doubt whatsoever as to his guilt. He probably thought that, having only young officers¹⁴ to deal with, he could either outwit or frighten them. In so doing he quite forgot that if he failed he would be dealt with in a prompt and heavy-handed fashion that older officers might have hesitated to employ to a man of his position. It almost takes one's breath away when one remembers that whilst Makhdum Sahib on 5 February was the most honoured man in his battalion, on the 22nd of the same month his nine hundred comrades looked on with indifference to see him die the death of a traitor.

The actual details of the execution are not recorded, but a letter, dated 8 May 1784, from Thomas Ogilvie, paymaster at Vellore, to the governor of Madras tells us how the native soldiery behaved on such occasions :

My Lord,

The sepoy, who attempted to incite the [Fourteenth] Battalion to mutiny, was hung yesterday evening at five o'clock, in consequence of the unanimous voice of the native officers of the battalion. Captain Cuppage¹⁵ called a Council of War, consisting of all the native officers, who gave as their unanimous opinion, that the sepoy was guilty of mutiny and deserved immediate death, and that he ought to be hanged, as shooting was too honourable a death for such a crime.

¹³ See Wilson's *Madras Army*, i. 304.

¹⁴ Cooke was not present, so with the exception of Kelly all the members of the council of war were subalterns.

¹⁵ John Cuppage, joined as lieutenant 4 August 1770, captain 6 July 1779.

The battalion has gained great credit and certainly deserves public thanks for their steady, good behaviour on this occasion. Captain Cuppage, having so good an opinion of the native officers and of the attachment of the battalion in general to the Service, permitted them close to, to see the sentence put into execution. At five o'clock all the sepoys off duty escorted the man to the place of execution, about half a mile from the Fort, where there was a gallows erected. Captain Parr,¹⁶ after reading the sentence to the man and to the battalion, asked him what inducement he had to commit such a crime and if he had any accomplices. He said he was in debt ten Pagodas¹⁷ and that nobody was concerned with him, and that he submitted to God and his officers, and salaamed to Captain Parr and the Adjutant, then submitted to the executioners without another word. Meanwhile a voice or two called out 'Allah! Allah!', one or two desired others to intercede for him, but when Captain Parr called out 'Silence!' not another word was uttered, but they waited with becoming decency and patience till Captain Parr thought proper to march them home again.

III. THE SERVICES OF TIMMA NAIK¹⁸

On 11 March 1784 the English made peace with Tippoo Sultan. Though the war had been by no means decisive the Nawab and the Company were so much distressed by the excessive expenditure that, in spite of the risk, they determined to dismiss as many of their troops as possible. In the south of India the duty of actual disbandment fell to the lot of Colonel William Fullarton, who writes as follows :

It now remained for me to undergo a duty more painful than all the embarrassments hitherto experienced. Your Lordship¹⁹ and the Board found it requisite to order a reduction of many thousand Independents and other southern Irregulars who had been raised by his Highness the Nawab Mahomed Ally. During the whole period of misfortune to the southward,²⁰ they still bore the rigour of distress with a resignation unknown to Europeans. Among these men were the most respectable soldiers of the East; some of them had followed their fathers into the Carnatic in the days of Dost Ally²¹ and Anwaradeen Cawn,²² others had

¹⁶ Thomas Parr, entered the army 5 February 1773, captain 6 November 1783.

¹⁷ The pagoda was worth 42 fanams, 12 of which go to the rupee. At par this would make the pagoda equal to 7 shillings. The pay of a sepoy at this time was about 1½ pagodas *per mensem*. In chapter iii it will be seen that the Company owed even its regular troops about a year's pay.

¹⁸ Though the word *naik* has always been used to denote the lowest non-commissioned officer in the native regiments, it was commonly used merely to denote the military profession; thus Hyder himself was long known as Hyder Naik.

¹⁹ Lord George Macartney, governor of Madras 22 June 1781 to 8 June 1785.

²⁰ Fullarton refers to the general distress experienced in southern India owing to Hyder's invasion in 1781 and to the misgovernment of the Provinces subsequent to the capture of Madura in 1764.

²¹ Killed in battle at the pass of Damalcherry in 1740 by the Marathas.

²² Killed in battle at Ambore in 1749 fighting against Chanda Sahib and the French.

remained in the service since the days of Chunda Sahib and the deposed Raneer or Gentoo Queen of Trichinopoly.²³ Many of them had continued since the campaigns of Lawrence, Clive and Yusuf Cawn²⁴ in a constant series of military duty. To these wretched adherents an average of twelve months' pay was due. The misfortunes of the times rendered it impossible to discharge their claims, for the regular corps of the army was not less in arrears. Under such circumstances to turn them loose to misery, while the country was in a state that could afford them no relief, would have distressed the most unfeeling mind. They assailed me daily with their sufferings, and the only expedient was adopted that promised to combine the duties of obedience with the obligations of humanity, by directing the officers commanding the Corps of these Irregulars to furnish me with Rolls containing the names of each Black Officer and Sepoy under their command, specifying the length of service and arrears of pay; in order that each of them might receive a certificate of his demand on the Company, to be countersigned by the officer and by the Commandant of the garrison with which the Corps corresponded; and at the same time desiring a particular recommendation of every individual who had any pretension to indulgence.²⁵

The rolls prepared by Fullarton's order would be invaluable if they were in existence, but I am afraid they have disappeared. There is, however, one case on record in which Fullarton himself pleaded for indulgence, viz. that of Timma Naik, whose petition to the Madras council, rewritten for the sake of intelligibility, runs as follows :

To the Honourable General [John] Dalling, Commander-in-Chief.

The humble petition of Timma Naik, Commandant of the Twelfth Battalion of Sepoys at Trichinopoly, who has been thirty-eight years in service.

That in the time of Governor John Hinde²⁶ at Fort Saint David your Petitioner entered the Honourable Company's service under the command of Captains Gardner, Holland, Ogilvie and Hallyburton,²⁷ officers of the Cavalry and Sepoys.

When Admiral Boscawen landed with 5,000 King's troops at Fort

²³ Chanda Sahib treacherously seized Trichinopoly from Manka (or Minakshi) Rani in 1736. According to the native accounts he was himself put to death in 1752 in the Dulwai Mundup, where he had sworn on the Koran to do the Rani no harm. See Miles's translation of Kirmani's *History of Hyder Naik*, p. 36.

²⁴ Fullarton probably refers to the campaigns around Trichinopoly between 1751 and 1754. Clive's first service was at the siege of Madras in 1746; Lawrence arrived in India in 1748; Yusuf Khan joined the Company's army in 1751.

²⁵ *A View of the English Interests in India*, by William Fullarton, pp. 201-3.

²⁶ John Hinde, as deputy-governor of Fort St. David, became governor of Madras when the town of that name fell into the hands of the French in September 1746. He defended Fort St. David against three attacks by the French and died on 14-15 April 1747, being succeeded by Charles Floyer.

²⁷ Hallyburton, as has been mentioned *ante*, p. 273, note 40, was a civilian. George Gardner, captain 28 September 1750; Captain John Holland, appointed captain-commandant 24 October 1748; John Ogilvie, ensign 6 November 1753.

Saint David in the time of Governor Floyer, Captain Dalton²⁸ commanding the Grenadier Company and Captain Kilpatrick²⁹ five Companies of Sepoys,³⁰ in which your Petitioner was doing duty, were ordered to the siege of Pondicherry in the year 1748, but after some months news of Peace was received from England and the army retired from Pondicherry and took possession of Madras from the French.³¹

Afterwards the army went against Devicotta, first under the command of Captain Cope and then of Major Lawrence, and took it. Later on the Petitioner's company was sent under Captain Cope to Trichinopoly, when Captains Gingsens³² and Maskelyne³³ joined us at Uttatoor, where the French army was under Monsieur Law³⁴ and Chunda Sahib. The French advanced against us and erected batteries against Trichinopoly. This campaign lasted eight months, during which the King of Mysore sent his Dalaway³⁵ with ten thousand horse and twenty thousand Poligars and Sepoys to assist us. Soon after the French received news of this and surrounded Kistnaporam, Carapatore and Coilabeen,³⁶ where Captain Cope was with a large detachment, and an engagement took place. Captain Cope having been killed by a musket shot, Captain Dalton took command, and advancing smartly against the enemy, the latter retreated and fled. The King of Mysore's army then came to Trichinopoly.

After this your Petitioner was ordered to proceed to Arcot and Kaverypaukam under the command of Colonel Clive, where Chunda Sahib's eldest brother Mahomed Ally³⁷ and his son Raza Sahib³⁸ were. We fought against them and took Arcot,³⁹ when your Petitioner's company with Captain Clive were ordered to Trichinopoly under the command of Major Lawrence and encamped at Golden Rock, where in a battle

²⁸ John Dalton came out with Commodore Barnet in 1746. He was an excellent officer, but retired from the service in 1753. The historian Robert Orme made much use of his Narrative in dealing with the years 1751-3.

²⁹ James Kilpatrick, captain-lieutenant 24 October 1748. This is the earliest instance I have found of a British officer detailed to command the sepoy companies. No European commissioned officer is mentioned in the *List of the Peons, Sepoys, Arabians and Horsemen in Fort St. David, January the 31st 1748/9*.

³⁰ The *List of the Peons, Sepoys, Arabians and Horsemen at Fort St. David, January the 31st 1748/9* under 'Sepoys' gives five native officers in command of numbers varying from 22 to 247, so at this time the term 'Company' must have been used very indefinitely.

³¹ Boscawen's actual force in the attack on Pondicherry was 3,720 Europeans, 300 topasses, and 2,000 sepoy (Orme's *History*, i. 98).

³² John Rudolph de Gingsens, a Swiss officer. See *The East Indian Chronologist*, App. III, note.

³³ Edmund Maskelyne, brother-in-law of Clive.

³⁴ The Chevalier Jacques Law, younger brother of Jean Law and nephew of the financier, John Law. The original has 'Loss', which corresponds to the French pronunciation 'Láss'.

³⁵ Nandaraj, the prime minister of Mysore.

³⁶ I have made no attempt to identify these places. Orme (*History*, i. 207) says Captain James Cope was mortally wounded at Kistnaveram.

³⁷ This prince is also mentioned in the French accounts of this period, and must not be confused with Muhammad Ali, nawab of Arcot, the rival of Chanda Sahib.

³⁸ Raza or Reza Sahib later on joined Hyder, and still later went to the Marathas.

³⁹ Arcot was captured in 1751. The battle of Kaveripauk took place in 1752.

against the French Allum Cawn,⁴⁰ commander of four thousand horse was killed and his head cut off, and our army made its way to Trichinopoly. Monsieur Law and Chunda Sahib then retreated to Seringham and in a short time, after some smart fighting had taken place, Monsieur Law capitulated and gave up his sword⁴¹ and Chunda Sahib's head was cut off at Circarpollam.

The Mysore army⁴² now came and encamped at Trichinopoly, the commander of the garrison being Captain Dalton. Major Lawrence and Captain Clive marched to Trivedi Pancraty, where the Mysore army and the Marathas, under Morari Rao and Bushenga Rao,⁴³ advanced against the English army, firing smartly. In that battle Bushenga Rao was killed by a musket shot. Major Lawrence and Captain Charles Campbell took the enemy's camp and marched to Trichinopoly. The whole army of the enemy was encamped at Golden Rock, and our Grand Army giving battle, Major Lawrence was wounded in the arm,⁴⁴ and leaving Captain Kilpatrick in command of the garrison, retired to Coiladdy. About this time the French attacked Dalton's Battery⁴⁵ with a thousand Europeans. We beat them and killed [and took prisoners] eight hundred of the French and the rest ran away. Your Petitioner was then promoted by Major Lawrence to be Subadar, and our army leaving Coiladdy beat the French and Mysoreans. Then the enemy made peace for eighteen months and Major Lawrence went to Fort Saint David leaving Colonel Heron in command of Trichinopoly. This was in the time of Governor Saunders, who succeeded Governor Floyer.⁴⁶

When Captain Clive took fourteen companies of sepoy⁴⁷ on Admiral Pocock's⁴⁸ fleet to Bengal, your Petitioner went with him. On the arrival of the army in Bengal we took Calcutta.⁴⁹ The Commanders of the sepoy⁵⁰ were Major Kilpatrick and Captain Fraser,⁵⁰ and we took all the places round Calcutta, viz. Chandernagore, Hughli and Chinsura.

⁴⁰ Alam Khan was killed in March 1752 whilst opposing Lawrence's march to the relief of Trichinopoly.

⁴¹ Law surrendered on 3 June 1752.

⁴² The Mysoreans turned against the English because Muhammad Ali now refused to keep his promise of making over Trichinopoly to them.

⁴³ Timma Naik possibly refers to the man whom Orme calls Bazinrao, Morari Rao's nephew, killed on 1 April 1753 (Orme's *History*, i. 279).

⁴⁴ Lawrence was wounded in the battle of the Sugarloaf Rock, 21 September 1753 (Cambridge's *War in India*, p. 53). He retired to Coiladdy in October.

⁴⁵ Dalton's battery was one of the defences of Trichinopoly. This attack took place on 27 November 1753. It was a well-planned attempt, which failed only owing to the impatience of the French themselves. The French loss is much exaggerated.

⁴⁶ Charles Floyer had succeeded John Hinde as governor by seniority, but the orders sent from home nominated Mr. Thomas Saunders, who took over charge on 19 September 1750.

⁴⁷ See Wilson's *Madras Army*, i. 373, return dated 7 April 1757, for the names of the subadars.

⁴⁸ The naval commander in the Bengal expedition was Admiral Charles Watson; Admiral George Pocock was only second in command.

⁴⁹ 2 January 1757.

⁵⁰ John Fraser, captain 1757, a Madras officer. This statement does not agree with Broome's statement that the Madras battalions were usually commanded by native officers (Broome's *Bengal Army*, p. 211).

The Nawab Siraj-ud-daula was at Murshidabad. Mr. Watts ⁵¹ came from Cossimbuzar, spoke to Colonel Clive and guided the army against the Nawab's army, which consisted of sixty thousand men. We took our opportunity and beat them and plundered their camp.⁵² The remainder of the Nawab's army retreated and the Nawab Siraj-ud-daula embarked on a boat and fled, but his grandfather Mir Jafar's people caught him at Rajmehal and brought him back to Murshidabad. On his arrival there our people cut off the Nawab's head.⁵³

Receiving intelligence of the French ⁵⁴ being at Patna, General Coote, who commanded the Grenadier Company, and your Petitioner acting as Commandant,⁵⁵ was sent with six companies of sepoys and two of Europeans to seize Patna and Bankipur. We took these places, and after staying there six months returned to Cossimbuzar and joined our army.

Afterwards Colonel Forde ⁵⁶ with two battalions of sepoys, four hundred Europeans and Captain Knox's battalion proceeded by sea to Vizagapatam and marched towards Masulipatam. The French army, commanded by the Marquis de Conflans, came to Rajahmundry to meet us and there we gave battle. The French army retreated to Masulipatam and ours followed. Arriving at Masulipatam we took the place by storm, and there your Petitioner was wounded in the thigh. Colonel Forde ordered us to proceed to Madras whilst he embarked for Bengal.

Immediately after our arrival in Madras General Coote ⁵⁷ arrived from England. We at once marched to Wandiwash against Mons. Lally and beat him, and then, having laid siege to Pondicherry and taken it, your Petitioner was ordered to march to Thiagar and Gingee,⁵⁸ under the command of Major Preston. We took these places and returned to Trichinopoly under the same officer.

Major Preston delivered over command to Colonel Monson, and after some time Colonel Monson delivered over command to Colonel Charles Campbell, under whose command Major Preston was killed. Some time after Colonel Campbell took Madura.⁵⁹

Later on your Petitioner was ordered to proceed to Trichinopoly under

⁵¹ William Watts, the Company's agent at Cossimbazar near Murshidabad, where the English factory was situated.

⁵² This refers to the celebrated battle of Plassey, 23 June 1757.

⁵³ Mir Jafar, whom the English placed on the throne in place of Siraj-ud-daula, had married an aunt of the latter. It was his son Miran who ordered Siraj-ud-daula to be put to death.

⁵⁴ This was a small body of French under Jean Law, the chief of the French factory at Cossimbazar.

⁵⁵ The original has 'as a last Commandant'. The advanced guard was certainly commanded by one Mooten Beg, possibly he means he was senior sepoy officer in the main body or the after-guard. The expedition lasted only a few weeks.

⁵⁶ Francis Forde. His expedition started in October 1758. He beat Conflans at Condore near Rajahmundry on 8 December 1758 and stormed Masulipatam on the night of 7-8 April 1759. See his letter of 19 April to the Madras council (Wilson, *Madras Army*, i. 129).

⁵⁷ Eyre Coote, then colonel, arrived at Madras on 27 October 1759. He beat Lally at Wandiwash on 22 January 1760 and took Pondicherry on 15 January 1761.

⁵⁸ Thiagar surrendered to Major Achilles Preston in February 1762, and Gingee to Captain Stephen Smith on 5 April.

⁵⁹ The expedition to Madura has already been described, *ante*, pp. 277 ff.

the command of Colonel Wood, where your Petitioner was promoted to be Commandant in the Twelfth Battalion of the Honourable Company's army.⁶⁰

Some time after your Petitioner was sent into the Mysore country under the command of General Wood, and under Captain Johnson's⁶¹ command took Dalampory, Fort Erode and Carroovore. When Hyder Gomasta⁶² and Muzaffer Cawn came with a large force and encamped before Dalampoor, then in obedience to the written order from Colonel Frischman⁶³ your Petitioner returned to Trichinopoly with five companies of sepoys, fighting the enemy continuously during some seven days' march. Then the Nawab Amir-ul-umra,⁶⁴ being pleased with the Petitioner's conduct, presented him with a horse &c. and spoke to Major Flint⁶⁵ at Trichinopoly, and took your Petitioner into his own service, but your Petitioner did not desire to leave the Company's service, but the Nawab asked Major Flint to spare him the services of so good a soldier and Major Flint ordered your Petitioner to go.

And your Petitioner has always been very punctual in the discharge of his duty, and he received a commission from Governor Palk,⁶⁶ and when General Lally besieged Madras and was encamped in the Black Town, your Petitioner's brother was killed by a musket shot, and your Petitioner's two brothers-in-law, both Jemadars, were killed by musket shots in the Company's service.

Therefore your Petitioner takes the liberty to lay before your Honour all the service of thirty-eight years, with the hope that your Honour will take it into consideration, and that your Honour will order your Petitioner to whatever place may be for the good of the Service, and, out of pity for your Petitioner's long service, will be pleased to grant him full pay during the remainder of his life as Colonel Fullarton has recommended.

For which act of Favour your Petitioner will ever pray, &c. &c.

TIMMY (*sic*) NAIK, Commandant.

⁶⁰ In the original it is not clear whether Timma Naik means that he was made commandant of the 12th battalion or a commandant in that battalion. The apparent confusion between this statement and the claim of Mir Sahib to have been appointed commandant of this battalion may be accounted for in the following manner. It is clear, from Mir Sahib's statement that his battalion was under Captain Mathews, that he refers to the 16th battalion formed in 1767. In 1769 (Wilson, *Madras Army*, i. 329) this became the 13th battalion, and in 1770 it became the 12th Native Infantry. Timma Naik's 12th battalion is therefore a quite different regiment from that of Mir Sahib.

⁶¹ 'The only officers left by Colonel Wood who succeeded in bringing off their men were Lieutenants Johnson and Byrne. The former fought his way from Darapooram to Trichinopoly, although closely followed and harassed by superior numbers' (Wilson, *Madras Army*, i. 272). This occurred in 1768. Apparently he was Andrew Johnson, who obtained the rank of lieutenant on 30 November 1765.

⁶² It is not clear in the original whether Timma Naik uses the term 'Gomasta' or agent contemptuously or whether he means 'Hyder's Gomasta Muzaffer Khan'.

⁶³ Daniel Frischman, lieutenant-colonel 11 November 1765.

⁶⁴ Amir-ul-umra, second son of the Nawab Muhammad Ali.

⁶⁵ William Flint, major 12 November 1765.

⁶⁶ The Rev. Sir Robert Palk, governor of Madras from 14 November 1763 to 25 January 1767.

Colonel Fullarton supported this petition with a strong recommendation that, as one of the oldest commandants in India, Timma Naik should be granted pension at the rate of the full pay of that rank.

The petition was accordingly forwarded to the 'Committee for Invaliding and Pensioning', which pointed out that Timma Naik had long ceased to be an officer of the Company, and, moreover, that he had never been the actual commandant of the 12th battalion but only a subadar, whatever the rank may have been which he had held in the Nawab's service. As regards the former objection, to grant a pension at all was to create a new precedent, as regards the latter it might be considered in the amount of pension granted. At the same time the committee recommended that his case should receive favourable consideration. In all probability, though the wording of the petition was misleading, Timma Naik only meant to emphasize the fact that he had served in the 12th battalion, and was at the time of his petition holding the rank of commandant in the Nawab's service. The inaccuracy was therefore ignored, and, as the committee concurred in Colonel Fullarton's estimate of Timma Naik as a brave and faithful soldier, he was on 13 December 1785 granted a pension of 15 pagodas.

IV. THE MUTINY OF THE THIRTY-FIFTH BATTALION ⁶⁷:

SHAIK IBRAHIM

In June 1795 news arrived in Madras of the outbreak of war with Holland, and expeditions were immediately planned against Ceylon, Malacca, and other Dutch possessions. That against Ceylon was commanded by Colonel James Stuart of his majesty's 72nd regiment. In 1796 he received reinforcements, amongst which was the newly raised 35th battalion. On 20 March it broke into sudden mutiny as described in the following letter, dated Colombo, 21 March 1796, from Colonel Stuart to the commander-in-chief, Sir Alured Clarke.

Sir, It is with much concern I inform you that it will not be in my power at present fully to comply with the instructions of Government as signified to me by Mr. Deputy Ince's letter of the 13th instant, owing to an unlooked for event which took place here yesterday by the Thirty-fifth Battalion mutinying. They assembled in a riotous, mutinous manner, beat and abused their officers, knocked down Captain Kenny ⁶⁸

⁶⁷ This battalion was afterwards known as 'Kenny's Battalion' according to the usual custom of naming a regiment after its first commanding officer. Colonel Wilson notes (*Madras Army*, ii. 257) that (with the exception of the sappers) it is the first and only corps of the Madras army which has served in Europe.

⁶⁸ William Kenny, entered the army 28 September 1776, captain 14 July 1793.

who commands the Corps several times, whom they afterwards made prisoner.

The mutinous state of the Corps being reported to me, I immediately marched part of the Seventy-third Regiment and Bombay Grenadiers Battalion with two six-pounders to the ground where they were encamped. There I found the battalion under arms, without their European or Native officers, who with the non-commissioned [officers]⁶⁹ had been made prisoners by them. Several small parties were advanced in their front and on their flanks, who seemed determined not to allow any person to pass them. The Grenadier Battalion, finding it necessary to force some of these parties, were obliged to make use of their bayonets. One man of the Thirty-fifth being killed and several wounded, we soon surrounded them and obliged them to pile and quit their arms.

Captain Kenny and his officers having pointed out one man who was particularly active in heading the mutiny, and who had knocked the former down several times, I thought it necessary to make an immediate example and ordered him to be blown away from one of the guns, but owing to the artillerymen's not tying him properly to the gun or to some other cause which I cannot account for, the man was only stunned, and in a short time afterwards showed signs of life. As the troops had been convinced of my determination to make an example of this man, although he had escaped the punishment which I intended he should suffer, I did not think it necessary to carry it into further execution, but ordered him when the troops moved off to be carried away and taken care of. It has been reported to me this morning that he will probably recover.

All the sepoy who were found under arms were brought prisoners to the Fort last night, where they still remain, and it is my intention to select eight or ten of those whom the officers may point out to me as having been most active in the mutiny and consequently most guilty to be tried by a General Court Martial. Until this is done the whole must remain in confinement.

I sent the Adjutant-General this morning to the mutineers to learn from them, for my information, whether they had anything to complain of which had occasioned their behaving in so irregular and unsoldierlike a manner, but I do not find that they have any well grounded complaint. They pleaded their inexperience, being young sepoy, and that they were told before they left Trichinopoly that they were only going upon the service against Colombo and would be back in three months, and in consequence that they had taken little pains to settle and provide for their families who were now in distress at that place; but they did not say that they were told or had a promise of this kind from any good authority.

The battalion is chiefly composed of boys. The European officers, though fine young men, are in general very young soldiers and the Native Commissioned and non-Commissioned officers were recently drafted from various Corps in the Carnatic. Thus formed, they were sent on

⁶⁹ As in the case of Makhдум Sahib, who bade the sepoy conceal the share of the native officers in the mutiny, so here it is quite possible that the native officers required the sepoy to put them in confinement in order to clear them later on.

service without a knowledge of or confidence in each other, and, these circumstances considered, I think I may safely say that the selection of such a battalion for foreign service was rather unfortunate. Should they now see the impropriety of their late conduct, they would still be, in my opinion, unfit for active or actual service, but I would by no means recommend their being, for some time, recalled to the Carnatic,⁷⁰ for so much do our native troops dislike this island and so desirous are they of returning to both Coasts⁷¹ that it is difficult to say how the conduct of other native Corps might be affected were the mutiny of the Thirty-fifth Battalion to be followed by an event so desirable to the whole as a return to their native country.

As things are now situated I shall be obliged to detain the Ninth Battalion for the present at Point de Galle instead of sending them to the Coast as I intimated was my intention in my letter of yesterday to Government.

Of the Thirty-fifth Battalion one hundred and fifty sepoyes are reported missing, some of whom may be in the neighbourhood but at present afraid to return.

To this letter the Madras council replied, saying that the displeasure of government must be shown in the most marked manner; that the battalion should be disbanded, the privates drafted into other battalions, and any native officers declared guilty dismissed with ignominy. Colonel Stuart was, however, to use his own discretion in carrying out these orders.

The court martial met upon 23 March, but before it delivered its finding Colonel Stuart received a letter from Captain Kenny in which he said that, though he doubted whether it would be possible to secure sufficient evidence against the native commissioned officers, he had absolutely no doubt that some, if not many of them, had been guilty of inciting the men to mutiny, and he mentioned especially some five of them, including Subadar Shaik Ibrahim and Jemadar Shaik Muhammad, but in favour of the latter he said that, when the mutiny actually broke out, he exerted himself

in endeavouring to quiet the men, frequently throwing himself between me and danger as well as remaining with me to the last.

With the exception of this man, he requested Colonel Stuart to report those he had mentioned to the commander-in-chief for punishment. On the 27th the court martial delivered its finding in reference to eight men whom Captain Kenny had pointed out as the ringleaders. It recommended that two men should be shot, three receive 1,000 lashes, one 800, one

⁷⁰ The Carnatic is here used as equivalent to the Madras presidency.

⁷¹ The east and west coasts of the Indian peninsula were often referred to as the Coromandel and Malabar coasts. 'The Coast' as used in the next paragraph means Madras as opposed to 'the Bay', which meant Bengal.

700, and one man it acquitted. Colonel Stuart accepted these recommendations, and ordered the punishments to be carried out. On the 28th he forwarded a copy of the proceedings of the court martial to government, with the remark that it appeared to him from these papers :

that the native officers have had no inconsiderable share in occasioning the late mutiny in the Thirty-fifth Battalion. Indeed I do not see how it could possibly happen that a native Corps should mutiny without the previous knowledge of the native Commissioned and non-Commissioned officers, who are closely connected with, and often nearly related to the sepoys. In the present instance it is certainly evident that the native Commissioned and non-Commissioned officers,* the Adjutant⁷² excepted, did not exert themselves in any shape to prevent or put a stop to the mutiny, which it was their duty to do. . . . The conduct of Subadar Shaik Ibrahim (confined by the Court for perjury) and of Subadar Golam Moodeen and of Jemadar Chutter Singh appears to me to have been so reprehensible that I beg leave to recommend their being punished in the most summary manner.

Government having signified its assent, on 1 May Colonel Stuart issued a General Order in which he stated that the sentences pronounced by the court martial having been carried out, and it being his opinion that the men had been led astray by 'designing villains', he would make use of the discretion allowed him by government and refrain from disbanding the battalion.

The representations however which have been made to Colonel Stuart against Subadar Shaik Ibrahim, Subadar Golam Moodeen, Jemadar Chutter Singh and Naik Nagapah, place their conduct as soldiers in so infamous a point of view that he directs their Regimentals to be stripped off their backs and every exterior ornament which distinguishes them as officers to be taken from them and destroyed in front of the Thirty-fifth Battalion and the other Corps ordered to be paraded this morning, after which they are to be kept in close confinement in the Common Gaol, till an opportunity shall offer of sending them with those sepoys who have been punished as partners, or rather as instruments of their guilt, to the Coast, where they will be considered totally unworthy of being employed again, in any military capacity whatever, in the Honourable Company's service.

The exact crime of which Shaik Ibrahim was held guilty is not known, as the proceedings of the court martial have not been preserved, but it is fairly clear that he did not exert himself to assist the European officers when they were roughly handled by the men, and it seems from the mention of 'perjury' that he probably was not only of no assistance during the court martial

⁷² Probably the Shaik Muhammad whom Captain Kenny mentioned as the only native officer who stood by him. The native adjutant was always a jemadar selected for promotion to the first vacant subadarship (Wilson. *Madras Army*, i. 226).

but actually tried to obscure the facts—possibly to save some friend or relative—which must have strengthened any suspicion already existing in the minds of the officers against him. However improper the conduct of the native commissioned officers was on this occasion, the incident illustrates the chief difficulty which would be likely to arise in consequence of the abolition of the native commandants, viz. the want of a native officer whose position would enable and require him not merely to set an example to the men but also to the native officers themselves, at times when their sympathies with their countrymen might come into conflict with their duty towards their masters. In nine cases out of ten, the native commandants, however unsatisfactory they had proved, might have been relied upon to save such a situation, but, with all the subadars on an equal footing and none of them acquainted with the European officers, one can imagine a tough old soldier like Shaik Ibrahim shrugging his shoulders at what was not peculiarly his own business, and saying to himself that he would like to see what these new officers of his could do by themselves, and so standing by until, to his horror, he found he had allowed things to go too far, and that he had, in a moment of carelessness or pique, destroyed a long record of good service by connivance at mutiny. Some such considerations must have moved his old friends amongst the British officers when Shaik Ibrahim arrived at Madras a disgraced and ruined man. At the time nothing could be done for him, and I cannot trace any representations to Sir Alured Clarke in his favour, but on General George Harris succeeding Sir Alured as commander-in-chief it is evident that private representations were made to him, for we find the following interesting entry in the *Madras Military Proceedings* of 23 May 1797 :

Such information regarding the former character of Shaik Ibrahim, late Subadar in the Thirty-fifth Battalion, has been laid before the Commander-in-Chief as to induce him to recommend to the Board ⁷³ that he be placed on the Pension List.

Though it appears that the Subadar fully merited that punishment of dismissal which General Stuart thought proper to inflict upon him, yet his former services are of a nature which give him a claim to consideration and mercy. Many respectable officers have given the strongest testimonials both to his general and particular conduct during a very long course of service. Among other gallant actions which he has performed there are two which draw the Commander-in-Chief's attention :

1st. his returning, after a storming party was repulsed from a Fort to the southward during Hyder's war, to bring off his Captain, who had fallen mortally wounded in the Breach, in which brave attempt he succeeded.

⁷³ The board was the council sitting in the military department.

2nd. the swimming the ditch at the second siege of Pondicherry.⁷⁴

The Commander-in-Chief has been particular in relating these circumstances as he assures the Board such pretensions alone could induce him to recommend to their favour a man in Shaik Ibrahim's predicament.

Resolved, in consideration of the former gallant and meritorious conduct of Shaik Ibrahim, late Subadar of the Thirty-fifth Battalion, Native Infantry, that he be reappointed a supernumerary Subadar upon the Establishment from the 1st June 1797.

There are other references in the Madras records to the gallantry of native officers bearing the same name as Shaik Ibrahim. One, under Captain Dalton, distinguished himself at Trichinopoly in 1753,⁷⁵ and another, a subadar of the governor's bodyguard, was killed in battle in 1801,⁷⁶ of whom, in a General Order, dated 15 April 1801, it is stated :

A rare combination of military talents has rendered the character of Shaik Ibrahim familiar to the officers of the army. To cool decision and daring valour he added that sober judgement and those honourable sentiments which raised him far above the level of his rank in life ; an exploit of uncommon energy and personal exertion terminated his career and the last effort of his voice breathed honour, attachment and fidelity.

Unfortunately the records, voluminous as they are, are still too fragmentary to enable me to identify either of these men with the subadar who was broken for mutiny in the 35th battalion.

S. CHARLES HILL.

⁷⁴ I cannot find any other mention of these exploits in the records, but it may be assumed that the commander-in-chief had good authority for his statements. As a matter of fact the native battalions were left very much to their own officers, and a native soldier's exploits, though well known in military circles, might never be officially reported or publicly acknowledged.

⁷⁵ *Madras Military Consultations*, 26 March 1753.

⁷⁶ The commander-in-chief, Major-General John Brathwaite, in a letter dated 10 April 1801, says the bodyguard under Lieutenant James Grant charged ' a solid column, superior in numbers of men, who had firmness to stand, for a while unmoved by the shock, to meet the charge with the points of their pikes '.

Notes and Documents

Adelard of Bath and Henry Plantagenet

FOR the study of Adelard of Bath's writings his brief treatise on the astrolabe possesses special importance, since it contains specific references to three of his other works, the *De eodem et diverso*, the *Liber Ezic*, and the translation of Euclid.¹ So far this tract has been known only from an incomplete text in Arundel MS. 377 of the British Museum. Dr. James's recent *Descriptive Catalogue of the McClean Collection of Manuscripts in the Fitzwilliam Museum* registers another copy in MS. 165,² which besides presenting a somewhat different text, contains the preface and four pages of general explanation preliminary to the account of the instrument itself. In this preliminary matter occurs a passage which shows that Bath was Adelard's birthplace:

Verbi gratia ad natale solum: Quia enim Bathonia lii^{us} gradibus ab equinoctiali circulo et terra Ari distare cognoscitur, ideo et latitudo climatis eius totidem graduum esse perhibetur.³

More important is the preface, which reads as follows:

Incipit libellus magistri Alardi bathoniensis de opere astrolapsus.

Quod regalis generis nobilitas artium liberalium studio se applicat valde assentio, quod rerum gubernandarum occupatio ab eodem animum non distrahit non minus ammior. Intellego iam te, Heynrice, cum sis regis nepos, a philosophia id plena percepisse nota. Ait enim beatas esse res pu[b]licas si a philosophis regende tradantur aut earum rectores philosophie adhibeantur. Huius rationis odore ut infantia tua semel est⁴ imbuta est in longum servat,⁵ quantoque gravius exterioribus oneratur, tanto ab eisdem diligentius se subtrahit. Inde fit ut non solum ea que Latinorum scriptis continentur intelligendo perlegas, sed et Arabum sententias

¹ See my paper, *ante*, xxvi. 491-8.

² ff. 81-87 (saec. xii), formerly in the possession of Prince Boncompagni (see Narducci, *Catalogo*, pp. 185-7). The portion corresponding to the Arundel MS. begins in the middle of fo. 83; there are four finely-drawn figures at the close, ff. 87-887.

³ fo. 827. It is likely, though now not certain, that the treatise was also written at Bath; *ante*, xxvi. 495.

⁴ MS. *senilis*.

⁵ [Cf. Hor. *Epist.* i. ii. 69, 70: 'Quo semel est imbuta recens, servabit odorem Testa diu.']

super spera et circulis stellarumque motibus intelligere velle presumas. Dicis enim ut in domo habitans quilibet, si materiam eius et compositionem quantitatem et qualitatem sive districtionem ignoret, tali hospicio dignus non est, ita si qui in aula mundi natus atque educatus tam mirande pulcritudinis rationem scire negligat, post discretionis annos indignus atque si fieri posset eiciendus est. His a te frequenter ammonitus, licet meis non confidam viribus, tamen, ut nobilitati philosophiam uno nostre etatis exemplo coniungam, postulationi tue pro posse meo dabo operam. De mundo igitur eiusque districtione quod arabice didici latine subscribam, hoc prescripto nodo ut cum mundus nec quadratus nec longilaterus nec alterius figure quam spericus sit, quicquid de spera dixerō de mundo dici intelligatur. Spera igitur globosum et rotundum corpus. . . .

The treatise is accordingly dedicated to a young Henry, grandson (or nephew) of a king. In the earlier part of the twelfth century this can mean only Henry of Blois, bishop of Winchester, or Henry Fitz-Empress. The allusions to secular government would have no point in the case of Henry of Blois, who early became a Cluniac monk, and he is also excluded by chronological considerations, for by 1126, the earliest possible date for a treatise which cites the *Liber Ezic*, he has become abbot of Glastonbury and passed well beyond *infantia*.⁶ To Henry Plantagenet, on the other hand, early imbued with letters and receiving before the age of seventeen a collection of ethical maxims compiled for his benefit by William of Conches,⁷ the introduction is entirely appropriate: he is a king's grandson, he is to become a ruler, he divides his time between books and practical affairs. As he is still *infans* and has not reached *discretionis annos*, this was doubtless written before 1149, when he was knighted, and 1150, when he became duke. If, as seems probable, the treatise was composed in England, it would then fall between 1142 and 1146, while Henry, between the ages of nine and thirteen, was living in his uncle's household at Bristol under the tutorship of Master Matthew.⁸ Adelard has not been elsewhere found after 1130, but as he was then hardly more than fifty or thereabouts, he may well have lived far into Stephen's reign. If we accept Mr. Poole's suggestion⁹ that Adelard was in the employ of the king's court in 1130, we need not be surprised to find him in such relations with the young prince as this preface implies.

CHARLES H. HASKINS.

⁶ Adam of Domesday, pp. 304-15; John of Glastonbury, p. 165.

⁷ *Ante*, xxvii. 423.

⁸ Gervase of Canterbury, i. 125. Cf. Miss Norgate, *Angevin Kings*, i. 334, 375; Round, *Geoffrey de Mandeville*, pp. 405-8.

⁹ *The Exchequer in the Twelfth Century*, p. 56.

The Taxes upon Movables of the Reign of Edward I

THE following tables of the taxes upon personal property, movable goods, levied during the reign of Edward I, are taken from the various enrolled accounts of the subsidies. The sums given represent the amount charged against the county or borough collectors on the basis of the assessment rolls, called particular accounts, handed in by them at the exchequer. The sum total for any one subsidy represents, therefore, the amount at which the tax-paying population of the country was assessed; it never represents the amount that the government received. From the totals, as given in the table, would be deducted the expenses of the collectors and the amounts that were not paid, either because of royal exemption or because of inability to pay. It would, consequently, be inaccurate to use the figures given for these subsidies for the purpose of estimating the revenue of the government without making these deductions.

The subsidies were imposed upon the movable goods of all the people not exempted. When the clergy made a special grant or fined separately for the subsidy, the taxation of their goods was not included with that of the laymen. The term movables was never exactly defined. In the rural districts it usually meant the domestic animals and farm produce, and in the urban districts the same with the addition of the household goods and merchandise of the tax-payers.¹

From the assessment for the subsidies were excluded certain classes of personal property. It was also provided that unless a man held a minimum stated amount of such property he should not be taxed. The list of exempted articles for the taxes of 1275 and 1283 was as follows:² 'treasure, riding-horses, bedding, clothes, vessels, tools, geese, capons, hens, bread, wine, beer, cider, and all kinds of food provided and ready for use' of those who were neither merchants nor burgesses.³ The goods of the latter were to be assessed as on former occasions. The list of exempted articles in 1290 was divided into two parts, one part relating to the goods of those in the rural districts, the other to the goods of the men in the cities and boroughs.⁴ The first included the armour, riding-horses, jewels and clothing of the knights, gentlemen, and their wives, and their vessels of gold, silver, and brass. In the cities and boroughs the list comprised one garment

¹ For a rural assessment list see *Yorkshire Archaeological Society* (Record Series), vol. xvi, and for an urban list see *Rot. Parl.* i. 228-38 (Colchester).

² Palgrave, *Parliamentary Writs*, i. 12.

³ I take the translation of Mr. Powell, *A Suffolk Hundred in 1283*, introduction, x-xi.

⁴ Palgrave, *Parl. Writs*, i. 24; Vincent, *Lancashire Lay Subsidies*, 177-8.

for a man and one for his wife, a bed for the two, one ring, one clasp of silver or gold, and a girdle of silk, if these were used every day, and a drinking-cup of silver or mazer. With the exception of the year 1301, when there was no list of exemptions, the above mentioned classes of goods were freed from the subsidies during the remainder of the reign of Edward I. The minimum amount of property to be taxed was, in 1275, fifteen shillings; in 1283, half a mark, and in 1290, fifteen shillings.⁵ From 1294 to 1297 the minimum varied with the rate of the tax, a tenth and sixth having as a minimum ten shillings and six shillings, and so on. In 1301 all property was taxed; in 1306 the minimum amount taxed was ten shillings.

The double columns given under one date refer to the county and borough grants which were at times separated. Though a tenth and sixth was one, not two, subsidies, its rate varied for the urban and rural districts. Such a subsidy meant that upon the cities, boroughs, and ancient demesne the higher rate of a sixth was laid, a tenth upon the remainder of the country. In the case of the counties where no division was made on the enrolled account of the subsidy between the borough and country rates, this fact has been indicated by the letters *N.D.* In the case of Kent in 1294, though this division was at first made, a sum, not so divided, was then added to the county total. This has made it necessary to neglect the two rates in that county.

The signs *** indicate that, according to the statement made by the collectors, the borough rate was not levied in the county. They usually state that there were no cities, boroughs, or ancient demesne to be taxed.

From the following table the amounts paid by any districts not ordinarily taxed have been omitted. In 1275 Chester paid £300 to the fifteenth. In 1290 the abbot of St. Edmunds paid £666 13s. 4d. to be quit of the levy of the fifteenth upon his goods and those of his villains. In 1306 the assessment upon the goods of the people of the liberty of Durham, then in the king's hands, was £523 5s. 7½d.

The figures for three of the subsidies given below are already in print.⁶ They are repeated in order to furnish a basis for comparison.

JAMES F. WILLARD.

⁵ The writs to the collectors and the forms of their instructions may be found in *Parl. Writs*, pp. 3-4 (1275), 12-13 (1283), 24 (1290), 27 (1294), 45-6 (1295), 51 (1296), 62-4 (1297), 105-8 (1301), 178-9 (1306).

⁶ The figures for the subsidy of 1283 are to be found in Powell, *A Suffolk Hundred in 1283*, introduction, p. xiv. The subsidies of 1297 and 1301 are given by Mr. W. Brown in the *Yorkshire Archaeological Society* (Record Series), vol. xvi, pp. xxxi-xxxv; vol. xxi, pp. xx-xxiii. Mr. Brown's figures are corrected in this table.

	1275 ⁷			1283 ⁸			1290 ⁹			1294 ¹⁰					
	a 15th			a 30th			a 15th			a 10th			a 6th		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
Bedfordshire	1009	5	11½	564	6	7½	1727	6	4	1003	9	7½	249	3	0½
Berkshire	2427 ¹¹	14	10½	881	5	5½	2287	5	5	1510	10	7	110	5	11½
Buckinghamshire	1698	12	5	972	4	4½	2543	16	3½	1765	4	9	12	10	4½
Cambridgeshire	2355	7	5	1192	14	9	3482	16	2½	2168	3	4	372	17	2½
Cornwall	¹² ...	...	...	373	13	4½	521	18	5½	452	10	11½	106	13	9½
Cumberland	1078	11	6	408	18	2	1781	16	8½	585	0	7	N.D.	...	...
Derbyshire	1320	2	6½	595	9	6	2354	4	2	1195	7	6	N.D.	...	...
Devonshire	1641	9	4	776	15	4½	1838	19	7½	1398	13	2	7	2	6½
Dorsetshire	1367	13	10½	685	13	2½	1853	17	2½	1197	8	1½	123	5	6
Essex	3303	8	10½	1654	17	5½	4370	19	8	2657	14	0½	202	16	5
Gloucestershire	2370	0	2½	1201	7	2	4018	15	9½	1925	2	5½	522	5	4½
Hampshire	2573	16	8	1297	9	10	2407	4	11	1729	7	3½	417	15	10
Herefordshire	1544	8	0	797	10	9	1985	10	6	1597	0	2½	171	2	0½
Hertfordshire	1631	5	1	846	14	2	2193	11	11½	2720	16	10	N.D.	...	...
Huntingdonshire	885	9	2½	455	9	2½	1353	9	8½	773	1	9	100	16	8
Kent	5649	3	3	2880	12	7	7475	9	2½	6079	7	5½	¹³ ...	...	...
Lancashire	965	1	10	485	19	2	1166	9	1½	607	17	11	17	19	8½
Leicestershire	1432	7	1	939	7	0	2095	1	3½	1195	11	4	20	0	6
Lincolnshire	6621	1	3	4018	12	8	9098	11	5	5978	3	3	N.D.	...	...
Middlesex	824	6	3	272	0	11½	1148	9	0	831	16	8½	6	4	7½
Norfolk	6560	13	8	3684	2	6	9782	14	6	7186	16	11	1417	18	8
Northamptonshire	2351	10	7½	1623	18	0½	3865	0	10½	2523	2	2½	239	18	5½
Northumberland	1793	15	2	709	19	7½	3364	15	0	981	4	6½	230	11	1½
Nottinghamshire	1509	5	2½	835	3	8	2007	3	8	1168	5	7	227	19	10½
Oxfordshire	¹¹ ...	...	...	786	0	9	2908	17	0	1847	0	2	563	6	11
Rutlandshire	432	17	7	252	8	9½	531	16	7½	490	9	11	N.D.	...	...
Shropshire	1186	3	9½	1086	13	2	1987	18	4	852	7	9½	151	3	6
Somersetshire	2430	18	8	1195	6	10½	2907	8	1	2026	18	10½	44	6	1
Staffordshire	1053	6	8½	651	5	10½	1342	18	6½	781	13	10	45	1	8½
Suffolk	4202	13	3½	2103	18	8½	6074	18	9½	4193	16	0	237	18	11
Surrey	1473	17	1	644	5	5	1669	6	0½	1271	7	1½	107	17	9½
Sussex	2735	3	0½	1459	14	9	3128	18	6½	2664	6	11½	**	**	**
Warwickshire	1286	2	10	704	7	1	2159	16	5	1093	1	0	8	7	3
Westmorland	536	13	8½	212	7	9½	743	4	9½	325	14	8½	3	1	6
Wiltshire	2920	6	1	1408	14	10	4454	6	2	3054	3	10½	82	18	1½
Worcestershire	1485	10	8	897	4	6½	1352	5	11	929	19	10½	101	18	6½
Yorkshire	6804	2	1½	2860	1	9½	¹⁴ ...	...	...	...	...	...	...	...	...
East Riding	¹⁴ ...	...	...	¹⁴ ...	...	...	2769	2	9	1281	8	8½	29	4	0
North Riding	...	...	...	...	...	...	3698	10	8	1731	0	6½	341	15	3½
West Riding	...	...	...	...	...	...	3031	4	0½	1750	10	3½	N.D.	...	...
London	1691	16	5	337	5	5½	2860	13	8	...	...	...	2750	4	8

⁷ Lord Treasurer's Remembrancer's Enrolled Accounts, Subsidies, no. 1.⁸ *Ibid.* no. 4. The enrolled account is found on one of the several loose rolls in this bundle.⁹ Pipe Roll, no. 140 (23 Edward I), m. 24 *seqq.*¹⁰ *Ibid.* no. 151 (34 Edward I), attached to the end of the roll.¹¹ Berkshire and Oxfordshire were accounted for together. The total given under Berkshire represents, therefore, the assessment for both counties.¹² There is no mention of Cornwall in the enrolled account.¹³ See above, p. 518.¹⁴ In 1275 and 1283 the county of York was accounted for as a whole, not by its Ridings. In 1306 the West Riding and East Riding were each joined to a part of the North Riding. For this reason the totals for the county and city have been given.

	1295 ¹⁵						1296 ¹⁶					
	an 11th			a 7th			a 12th			an 8th		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
Bedfordshire	493	17	2½	138	2	0½	318	0	0½	75	7	4½
Berkshire	918	11	10½	72	5	6	642	19	3½	55	3	7½
Buckinghamshire	1047	16	6½	6	4	7½	659	3	5	2	0	10½
Cambridgeshire	1351	14	0½	225	9	10½	888	12	7½	98	10	4½
Cornwall	392	10	6	86	4	10	372	0	2	82	2	4
Cumberland	330	5	5	9	1	5½	307	14	11½	7	15	3½
Derbyshire	533	11	6	74	17	6	361	11	11	32	13	3
Devonshire	790	4	10	121	0	2½	599	7	3	121	2	6½
Dorsetshire	719	17	0½	65	11	2½	583	19	4	63	14	1½
Essex	1893	5	10½	25	0	11½	1032	9	9½	100	19	9
Gloucestershire	1318	6	9	286	15	5½	767	10	1½	195	1	9
Hampshire	1469	8	11	306	5	7	1130	19	4½	171	1	5
Herefordshire	913	10	5	135	6	3	623	7	9	64	4	4
Hertfordshire	1503	17	11½	**	**	**	849	2	7½	**	**	**
Huntingdonshire	554	12	5½	95	18	6	429	13	5½	67	10	7½
Kent	4495	5	5½	124	18	8	2974	15	6½	62	15	3½
Lancashire	576	14	8½	16	15	1	466	6	5	16	2	7½
Leicestershire	672	9	1	56	0	6	492	18	7	40	13	3
Lincolnshire	4077	16	2½	292	16	10	3127	13	5	194	6	0½
Middlesex	435	19	0½	4	13	0	307	18	10½	4	3	4
Norfolk	4716	4	7	647	2	10	2816	1	5	376	8	8
Northamptonshire	1650	12	3	N.D.	...	...	1103	10	2½	N.D.	...	...
Northumberland	833	19	0	154	5	9½	721	0	9	184	7	5½
Nottinghamshire	814	17	3½	134	18	7½	708	16	5½	106	18	3
Oxfordshire	1063	3	6	280	4	3	594	11	6	200	18	6
Rutlandshire	377	3	11½	3	7	5½	307	17	2½	2	5	1
Shropshire	827	0	7½	85	9	11½	615	11	0½	134	16	0½
Somersetshire	1648	16	0½	N.D.	...	...	1527	15	11½	N.D.	...	...
Staffordshire	484	13	9½	19	12	9	355	18	2½	48	11	9½
Suffolk	2504	1	3	115	16	0	1381	14	10½	64	13	0
Surrey	672	19	4½	94	15	2½	554	18	4½	63	16	9½
Sussex	1530	19	1½	**	**	**	1273	1	3	92	2	5½
Warwickshire	735	3	11	6	7	8	559	19	4	5	1	10
Westmorland	226	18	8½	3	3	5½	231	6	2	3	1	1
Wiltshire	2153	11	3½	46	17	10½	1331	9	6½	133	9	4½
Worcestershire	561	16	8½	123	16	8	488	7	6½	87	10	11
Yorkshire	...	...	...	...	...	...	...	...	...	...	...	...
East Riding	614	1	11½	N.D.	...	...	455	8	7½	N.D.	...	...
North Riding	744	7	1½	187	13	10½	696	13	4	185	14	11½
West Riding	794	12	11½	N.D.	...	...	681	0	1	N.D.	...	...
London	...	...	...	1377	19	8½	...	...	...	1999	7	0

¹⁴ In 1275 and 1283 the county of York was accounted for as a whole, not by its Ridings. In 1306 the West Riding and East Riding were each joined to a part of the North Riding. For this reason the totals for the county and city have been given.

¹⁵ Pipe Roll, no. 151 (34 Edward I), attached to the roll.

¹⁶ *Ibid.*

	1297 ¹⁷			1301 ¹⁸			1306 ¹⁹					
	a 9th			a 15th			a 30th			a 20th		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
Bedfordshire	504	10	1	610	7	0½	663	3	6	37	15	3¾
Berkshire	693	6	3½	973	8	1½	593	12	6½	48	4	10¾
Buckinghamshire . .	621	13	1½	874	17	4½	656	2	0½	41	17	6¼
Cambridgeshire . . .	953	16	7	1292	8	8½	786	12	3½	75	2	9
Cornwall	477	13	5½	367	10	7¼	205	0	9¼	58	14	5
Cumberland	128 ²⁰	19	5	831	2	4½	394	16	8½	35	1	10¼
Derbyshire	404	4	10	430	19	5½	303	3	4½	66	9	7
Devonshire	781	19	9½	656	14	3½	326	0	4¾	187	1	3
Dorsetshire	729	5	0½	689	10	0½	340	3	10½	38	14	4
Essex	1389	4	0½	1603	17	1½	960	18	0	92	12	2¾
Gloucestershire . . .	724	2	6½	1656	15	8	917	14	6¾	218	0	9¾
Hampshire	1319	15	0½	1549	19	0½	817	4	1¾	139	14	8¼
Herefordshire	603	12	6½	958	0	0½	501	4	1¼	²¹ ...	...	...
Hertfordshire	799	5	8	747	3	11½	361	10	4	19	9	10
Huntingdonshire . . .	454	2	11	701	12	8½	443	10	8½	56	10	9½
Kent	3012	2	8½	3361	4	10½	1567	5	1½	228	14	8
Lancashire	452	11	8½	376	6	6½	284	1	8½	17	1	8
Leicestershire	543	6	4½	709	12	0½	524	14	2	9	2	8
Lincolnshire	3145	17	3	5084	0	7½	3108	16	2¾	228	16	7¼
Middlesex	350	0	10¾	414	12	8½	278	0	11½	19	8	
Norfolk	2886	16	8	5263	13	0	2371	9	10½	535	17	4½
Northamptonshire . .	1156	15	10	1803	18	11½	1062	11	10¾	155	18	5½
Northumberland . . .	159	17	0	508	16	8½	536	16	7	185	4	7½
Nottinghamshire . . .	773	9	7	895	1	3	478	16	3	5	6	3½
Oxfordshire	747	3	3½	1106	11	1½	635	5	6¾	87	12	1¼
Rutlandshire	258	19	5½	426	3	7½	246	10	2¾	2	14	5½
Shropshire	611	14	4	804	5	9	441	19	6¼	47	2	11½
Somersetshire	1380	18	10½	1354	0	4½	1004	16	9½	²² ...	...	...
Staffordshire	423	14	8½	777	15	5½	445	10	5½	43	16	4¼
Suffolk	1298	13	0	1622	5	1½	1252	2	6½	60	0	7½
Surrey	674	13	8	728	16	8½	437	7	0¼	38	11	9
Sussex	1291	5	0½	1229	6	9	756	13	6	63	5	5½
Warwickshire	658	8	10½	756	14	7	531	14	1¼	²² ...	...	...
Westmorland	182	6	2¼	538	14	6½	253	7	9	5	0	10¾
Wiltshire	1448	6	3	1494	13	10½	987	13	6¾	123	0	2½
Worcestershire	495	13	6	1110	12	2	421	16	2	47	16	9¼
Yorkshire	...	...	...	...	...	...	3549	1	9¾	...	...	...
East Riding	²³ ...	...	...	1118	11	4½	¹⁴ ...	...	...	...	...	...
North Riding	658	16	2	1668	13	9¾	...	...	...	...	...	...
West Riding	²³ ...	...	...	989	15	8½	...	...	...	...	...	...
London	1221	19	5	1666	13	4	...	...	...	2000 ²⁴	0	0
York	...	...	...	...	...	...	...	...	...	333	6	8

¹⁷ Pipe Roll, no. 143 (26 Edward I), mm. 32-3.¹⁸ *Ibid.* no. 152 a (35 Edward I), m. 27 *seqq.* Formerly known as Foreign Accounts, no. 2.¹⁹ *Ibid.* m. 32 *seqq.*²⁰ The total for Cumberland in 1297 is marked on the roll as cancelled and answered for elsewhere.²¹ The details of the accounts are so faulty that the total alone, which can be proved, is given.²² The separate items are omitted in Somerset and Warwick because of defects in the reckoning.²³ There is no mention of either the East or the West Riding on the roll.²⁴ This sum supplied from *Cal. of Letter Books, London, C. 153.* London compounded for the subsidy.

The Debtors of William Cade

THE interesting and apparently unique document contributed by Mr. Hilary Jenkinson in the last number of this Review¹ invites further comments. In the first place, as to Cade himself, the Christian names of his family point to his Flemish origin. His brother Baldwin occurs in a charter calendared by me;² to his son Eustace land was granted in Navenby, Lincolnshire, by a charter (of 1163-6) edited by me,³ and there was another son, unmentioned by Mr. Jenkinson. This was Ernald, Ernaud, or Arnulf,⁴ who gave lands in Kent to the Hospitallers.⁵ The gift is of importance, for the places are Stalisfield (south-south-west of Faversham) and Oare—not the manor of Ores (or Greys) in Chislet—(north-north-west of Faversham). Among the debtors of William Cade we find (l. 158) 'Lefwinus de Ores xvj marcas et x solidos et iiij denarios (Et sicut dicunt hec sunt de firma et de placitis de ores),' and 'Lefwinus de ores x marcas' (l. 161). I suggest that this was the English bailiff of William Cade himself at Oare, and that his occurrence as a witness to a Chilham charter, under Stephen,⁶ may be accounted for by his holding land in that district. I would also suggest that the Arnulf or Ernulf Cade, who was appointed one of the keepers of the royal manor of Ospring in the same district in 1240,⁷ was the namesake and descendant of William's Kentish son. With regard to William's surname,⁸ it is no more peculiar than those of 'cape' or 'case' among his debtors, and I do not see why it should have been 'pronounced as a disyllable'. Mr. Jenkinson observes (p. 217, n. 29) that 'the Red Book gives . . . a genitive *Cadae*', but the diphthong there is due to the editor.

The 'Flemish connexions' of William Cade are underrated by Mr. Jenkinson. He states (p. 210) that the document has 'thirteen entries (relating) to Flanders, five to Pont Audemer' (in Normandy). But these five are all annotated 'apud *sanctum audomarum*', which, of course, was not Pont Audemer, but

¹ *Ante*, pp. 208-27.

² *Calendar of Documents, France*, p. 505.

³ *Ancient Charters* (Pipe Roll Soc.), p. 65.

⁴ These forms were used indifferently (*Geoffrey de Mandeville*, pp. 228, 454). The name is associated with the counts of Guines; 'Ernaldus', count of Guines, is a witness with William Cade to Richard de Luci's charter, and 'Ernulfo nepote comitis de Gidnes' a witness with him to that of Gervase de Cornhill (*Calendar of Documents, France*, p. 505).

⁵ 'Ex dono Ernaudi Cade filii Willelmi Cade Stanefeld et Ores cum pertinentiis suis' (*Rotuli Chartarum*, i. 16).

⁶ *Calendar of Documents, France*, p. 483.

⁷ 'Ernulpho Cade' (*Testa*, p. 219). The entry is unindexed. He also appears as 'Ernoldus Cate' (a juror) on the previous page. On the Charter Roll he is 'Arnulfus Cade' of Ospring (*Calendar*, i. 318).

⁸ 'Cabus', mentioned by Mr. Jenkinson (p. 214), is a known and distinct name.

St. Omer, then in Flanders. Indeed, entries in ll. 145 and 180, which evidently refer to men named in the St. Omer entries, are annotated 'in flandria'. There are some indications of connexion with Boulogne and the 'Honour' of its counts, the inheritance of Stephen's queen. Not only are 'the men of Boulogne' among William's debtors, but also important tenants on the Boulogne fief, such as (23) Pharamus of Boulogne, holding Martock, (14) Henry 'de Campania', holding Westerham and Fobbing, (48) William de Norwich, who was doubtless identical with that William de Norwich who had held seven fees of the 'Honour',⁹ and (69) Baldwin 'de Ermingeham'; who had pledged Shopland (Essex), a Boulogne manor, to William for ten years from 27 May 1162. This man's name is, at first sight, a puzzle, for Shopland was held by the family which took its name from 'Ostrewic' (i.e. Austruy) and were, as lords of Austruy, constables of the counts of Boulogne. But Austruy, which is now a farm in Retz, is only some three miles from Herlingehem, which appears in a charter of 1157 as 'Herminigehem'. There can therefore, I think, be little doubt that both were held by this Baldwin in William's list. The prior 'de sancte Joce', who is also found in it, represents that abbey of St. Josse to which a count of Boulogne had given land at Norton in England.

With regard to cases in which the counties named are 'not those in which the persons concerned are known to have held lands', Hervey 'de Muntmorenci' is once assigned to Buckinghamshire (5), and twice to Bedfordshire (72, 79). We know all too little about Hervey in England, and the two manors on which he here occurs as raising money are *sunedun' et perendun'*, neither of which is in Buckinghamshire. Sundon is in Bedfordshire, and it seems possible that the combination of Buckinghamshire and Bedfordshire for exchequer purposes under one sheriff may account for the appearance of the former. Hervey is not known to have held either Sundon or Parndon (which is in Essex), but we can just connect him with Gréat Parndon through the fine charter of Gilbert, first earl of Pembroke,¹⁰ to which he is a witness as 'Hervicus frater meus'. He was the earl's uterine brother.¹¹

Mr. Jenkinson would compare 'the single Scottish entry, with its unique addition of *nichil*' (p. 212), with two entries on the Pipe Roll of 1165 relating to fugitive moneyers who had

⁹ *Testa*, p. 273. He lurks, unsuspected, as a tenant-in-chief in the *Cartae baronum* of 1166.

¹⁰ Cott. MS., Nero C. iii, fo. 228 (*Facsimiles of Charters in the British Museum*, i. 17).

¹¹ *Feudal England*, p. 523. Hervey is also mentioned in the charter of Richard I as a benefactor to Bileigh Abbey, which was originally situated at Great Parndon.

fled to Scotland.¹² But the entry in question—‘Alanus filius Walteri vij libras per plegium Thome de Lundonia. *in Scotia*’—refers, unfortunately, to no less a magnate than the steward of the Scottish king, the direct ancestor of the royal Stuarts.¹³ The name of his surety, ‘Thomas of London,’ is one of special interest,¹⁴ for, though elsewhere in our document he is assigned to Northumberland, he does not seem to be known as a landowner in that county. But in a charter of David, king of Scots, c. 1150, we find him associated at Stirling as a witness with Alan’s father,¹⁵ the founder of Paisley Abbey. He also occurs as a witness to charters of King Malcolm (i. e. after 1152).

The very first entry on the roll is of considerable importance, but the blank left in it makes it doubtful whether Mr. Jenkinson has identified the man to whom it refers. It runs: ‘... filius Gaufridi super manerium suum de Wdeham lx marcas *in Essex, et valet vadium*.’ The man is Maurice Fitz Geoffrey, and the place Woodham Ferrers. Mr. Jenkinson tells us that ‘all Pipe Roll references to persons occurring in our document have been examined’ for his article, but in the twelfth century, as in the eleventh, we have to allow for a possible *alias*. This Maurice appears on the Pipe Rolls (1) as ‘Mauricius vicecomes’, (2) as ‘Mauricius de Tiretei’ (i. e. Tiltey, Essex).¹⁶ On the lost Pipe Roll of 1155 there was an entry ‘Mauricius de Tyleteye xxx m. pro Wodeham’, which refers to the man and to the manor of the Cade document.¹⁷ Now Maurice was founder of Tiltey Abbey and Bicknacre Priory, and he was sheriff of Essex and Hertfordshire from Michaelmas 1157 to Christmas 1160, and Michaelmas 1161 to Michaelmas 1163. It is this that makes him of importance. For Mr. Jenkinson (p. 220) groups together for examination ll. 65, 75, in the first of which Maurice owes a debt in kind ‘pro respectu de debito regis’, while in the second he is entered as owing ‘de debito regis’ 333½ marcs (£222 6s. 8d.). Mr. Jenkinson thinks that these entries support the view ‘that occasionally a debtor of the king might secure an acquittance of his obligation by transferring his debt or part of it to’ Cade. It is a plausible suggestion, but in this instance the facts appear to be against it.

¹² *Pipe Roll*, 11 Henry II, pp. 4, 22. The word is *fugit*, not *aufugit*, and the second moneyer was Thomas, not William.

¹³ See my *Studies in Peerage and Family History*, p. 129.

¹⁴ Oddly enough, it was also borne by his contemporary, Becket, as a young man.

¹⁵ ‘Galtero Filio Alani et Thoma Lundoniarum.’

¹⁶ On p. 347 of the *Red Book* he appears as ‘Mauricius vicecomes’ and also as ‘Mauricius de Tiretei’, but the editor has not detected the identity.

¹⁷ It is the moiety of a knight’s fee which Earl William de Ferrers returns Maurice ‘de Tiretei’ as holding in 1166 (*Red Book*, p. 339). The fine Ferrers charter at Hardwick relating to his tenure at Woodham has been fully dealt with by me in *Essex Arch. Soc. Trans.* (N.S.), x. 303-6.

For the facts are these. Maurice went out of office in 1163 with an adverse balance of £280 6s. 7d. 'blanch'.¹⁸ This is charged against him till 1166, when to the entry is added: 'sed attornatus est inde ad faciendam Abbatiam unam.'¹⁹ This is repeated till on the roll of 1176 he accounts for his debt at last.

In thesauro c et vs. et xd. Et in perdona per breve regis ipsi Mauritio cc et lxxvii. et ix d. blancorum pro ecclesia canonicorum de Wudeham que amodo est dominica regis elemosina. Et quietus est.²⁰

Now Maurice surely could not be entered year after year as a debtor to the Crown for the full amount of £280 6s. 7d. if, as Mr. Jenkinson suggests, he had borrowed from William Cade £222 odd to pay off part of his debt to the king. I admit that the words *de debito regis* seem to support that view, but he could not owe his debt (or part of it) to the king and to Cade at the same time.

This contention is confirmed by the case of the sheriff to the north of him, who was his contemporary in office. William 'de Caisneto' (or 'Caisnei') was sheriff of Norfolk and Suffolk from 1157 to 1163, when his adverse balance was £319 9s. 8d. 'blanch' plus £150 'numero'. These sums were charged against him as a debt, but with the notable addition in 1165 of the very remarkable words: 'Sed fuit attornatus inde Isaac Iudeo [or 'ad Isaac Iudeum'] *per Rotulum Camere et per Rotulum Archidiaconi*.'²¹ A further entry shows him charged with 87½ marcs 'de quibus attornatus est Isaac Iudeo reddere ad Pascha', and he is amerced £200 for an offence in addition.²² The same charges recur on the rolls of 1166 and 1167, but on that of 1168 his debts to the Crown are summed as then amounting to £691 2s. 0d., of which he has paid *per breve regis* to Isaac the Jew £479 and is left owing £212 2s. 0d. This debt he continued to owe. A comparison of the two cases shows, it seems to me, that, as each sheriff remained liable for the full amount of his debt—though each debt was 'ear-marked', in the modern language of finance, for a special purpose—he had not borrowed money from any one towards paying it off.

The words which I have italicized in the extract from the Pipe Roll of 1165 appear to me of singular importance. We have mention here of two rolls, familiar, it would seem, at the exchequer, neither of which, so far as I can find, is named in the great work of Madox or the recent searching studies on the system of the early exchequer.²³ The *Rotulus Archidiaconi*, obviously, must have been an unknown roll compiled by Richard

¹⁸ *Pipe Roll*, 9 Henry II, p. 22.

¹⁹ *Ibid.* 12 Henry II, p. 123.

²⁰ *Ibid.* 22 Henry II, p. 2. The 'ecclesia' was Bicknacre Priory.

²¹ *Pipe Roll*, 11 Henry II, p. 4.

²² *Ibid.* pp. 7, 10.

²³ Hall, *Antiquities of the Exchequer* (1891); *Dialogus de Scaccario*, ed. Hughes, Crump, and Johnson (1902); Poole, *The Exchequer in the Twelfth Century* (1912).

of Ilchester, which indeed appears on the Pipe Rolls of 1167, 1168, and 1169 as *Rotulus Arch' Pict'*,²⁴ though it is there complicated by the addition *et Iustic'*. But as the *Rotulus Archidiaconi* of 1165 continues to be mentioned, without addition, on the roll of 1166, it must have been distinct from any other. Richard's position at the exchequer board 'ex officio quidem, sed ex novella constitutione', is, of course, well known,²⁵ as is his skill in the writing of rolls,²⁶ but I cannot find his 'roll' mentioned, though Mr. Poole, dealing with Richard's position, evidently suspects that the remembrancers' rolls may have owed their origin to him and to Master Thomas Brown.²⁷

Of the *rotulus camere* in my Pipe Roll extract I also fail to find mention. That such a roll must have existed may be fairly inferred from the payments into and out of 'the King's chamber' which are known to have been made. And such payments might, at times, be of concern to the exchequer. Take, for instance, the entry on the roll of 1165:

Viccomitissa de Roth' reddit comp. de mccccxxiii*l*. ix*s*. ij*d*. bl. de veteri firma de Hantona. In Cameram Curie Attornata . . . Inde per breve Regis et amplius non exigetur ab ea per Rotulos de Scacar'.²⁸

This £1423 9*s*. 2*d*. was essentially an exchequer debt, but the king here orders it to be removed from the Pipe Roll. Was it transferred to the *rotulus camere*?²⁹

Returning to the debtors of William Cade, Mr. Jenkinson tells us that among them were three justices, but has missed a fourth, Adam of Yarmouth (l. 176), of whom Walter Map has a story.³⁰ Walter *Villanus* (l. 70), whose name strikes him as singular (p. 213), was a well-to-do citizen of Lincoln, whose brother, Ernald *Villanus*, appears on the rolls as early as 1166.³¹

²⁴ Since this was written I have found that both passages were duly noted by Miss Norgate in her life of Richard of Ilchester in the *Dict. of Nat. Biogr.* The 'rotulus archidiaconi Pictaviensis' is again found on the roll of 22 Henry II, p. 61.

²⁵ *Dialogus* (1902), pp. 26, 69, 77, 173.

²⁶ 'in computationibus atque in rotulorum et brevium scripturis satis alacer et officiosus' (*ibid.* p. 77). He was one of the debtors of William Cade (l. 98).

²⁷ *Op. cit.* p. 122. I find that Miss Norgate holds that these rolls (in both passages) 'may have been rolls of the proceedings before the justices in eyre' (*Dict. of Nat. Biogr.*), and thinks it 'highly probable' that they point to Richard having begun the enrolment of proceedings on eyre. Mr. Poole (*Exchequer*, p. 117) appears to be not unfavourable to this suggestion, but I submit that the transaction I have extracted from the roll of 1165 could not possibly have been a proceeding before justices in eyre (even if such an eyre was known) and was essentially exchequer business.

²⁸ *Pipe Roll*, 11 Henry II, p. 45.

²⁹ There are entries on the rolls of 1168 and 1169 of Geoffrey *Monachus* holding fifteen librates of *terrae datae* in King's Worthy, Hants, 'unde attornatus est in Cam' Curie.' He was one of those to whom payments for the *camera* were made.

³⁰ *De Nugis Curialium*, pp. 231 f.; cf. *The King's Serjeants*, pp. 192-3.

³¹ If, as may be presumed, the document is correctly printed, the scribe must have misread several of the names. Henry 'de Kemeseth' should be 'de Kemesech'

An important legal point is raised by the cases in which the pledge of faith is recorded. Roger de Mowbray's gage is the *fides* of himself and of his son (l. 21); that of William de Norwich is his own *fides* and that of Ranulf de Glanville (l. 48). That of Walter Fitz Robert is his own *fides* and the *plegium* of his men, that of Gilbert Foliot his *fides* and, apparently, a tally (l. 76). The debtor, in Maitland's words, 'pawns his hope of salvation.'³² Oddly enough, Glanville himself, who here pledges his faith for his friend's debt, 'gives us to understand that a plaintiff who claims a debt in the royal court must produce some proof other than an interposition of faith.'³³ This doctrine was based on the constitutions of Clarendon (art. 15): '*Placita de debitis, quae fide interposita debentur, vel absque interpositione fidei, sint in iustitia regis.*' Now the date of this was 1164, a little earlier, apparently, than that of the Cade document. Ought we then to infer that Glanville had pledged his faith before the Becket quarrel and the consequent 'Constitutions' had established the principle that this was not a legal security for debt?

J. H. ROUND.

Six Letters of Cardinal Pole to the Countess of Huntingdon

THE following six letters, written by Cardinal Pole to his niece the countess of Huntingdon, have been transcribed from the Carte MS. 78 in the Bodleian Library. This is a thick folio volume of 696 leaves containing a large number of papers, both copies and originals, formerly belonging to the Hastings family, which has held the earldom of Huntingdon since 1529. Though these papers range in date from Edward III to 1731, they mainly belong to the seventeenth century. They are mostly of a private nature, pedigrees, catalogues of the family deeds, opinions of counsel, and marriage settlements; but there are a few papers relating to offices held by this family, such as that of high steward of the honour of Leicester.¹

Catherine Pole, the wife of Francis Hastings, earl of Huntingdon, was the eldest daughter of Henry Pole, Lord Montague, and a

(ll. 60, 80), Anselm 'Candavem' (l. 57) should be 'Candavein', Stephen 'de Sankevilla' (l. 125) should be 'de Saukevilla', Graeline 'de tame' (l. 146) should be 'de tanie', William 'de piron' (l. 188) should be 'de piron', and Nicholas 'de Tresgoc' (ll. 15, 173) should probably be 'de Tresgot'. The reading 'lebertus case' (l. 180) seems preferable to 'leberci case' (l. 114). We have perhaps a hint of foreign work in Thomas 'de londonia' being once styled Thomas 'de lundr[es]'.²

³² See specially, on this 'interposition of faith', *The History of English Law* (1895), ii. 195-6.

³³ *Ibid.* p. 200 (cf. p. 197).

¹ See the table of contents prefixed to the volume; also C. W. Russell and J. P. Prendergast's report on *The Carte Manuscripts in the Bodleian Library*, London, 1871, pp. 25, 47.

direct descendant of Richard, duke of York. Pole, as these letters show, was very intimate with the family, and it is worthy of notice that his niece administered his will.² The letters printed below are merely personal letters and of no political importance, yet they serve to illustrate the tenderness and simple piety of the great cardinal's private life. They have never, to my knowledge, been printed before, and are certainly not included among the *Epistolae Reginaldi Poli et aliorum ad se*, edited by Quirini (Brescia, 1744-57), nor are they referred to in Athanasius Zimmermann's *Kardinal Pole, sein Leben und seine Schriften* (Ratisbon, 1893).

F. J. ROUTLEDGE.

I

[21 June 1554]

[f. 239] MYNE owne good ladye and nese. Thys shal be to gyve yow to understand that I have recevyd twayne yowr lettres senyth the tyme of my comyng toward these partes, wych wer both to my comforth gretly, and yowr furst lettre was the furst that of ony my kynsfolke these meny yerys gave me ony knolech, the wych albeit I red with no small joye to see my hope confirmed that I ever had of yowr mariage that it shold be comfortable unto yow and to al yowr frends, and also of yowr owne persone to see how God hath worked to make yow a good wyffe and a good mother wythal, bryngyng wel up yowr chylderne that God hath geven yow to his honore, haveing that comforth of my good lord yowr husband that yow can desyre; albeit, as I sey, al thys dyd comforth me gretly, yet I ensure [*sic*] yow I could not rede yowr hole lettre, thoze it wer not long, att al on tyme, for the sorofull remembraunce it brought me of the losse of those wych I left in good state at my departing, to whom yow wer most dearyst. But when I consydere ever what servants of God they were and so dyed, thys ever doth comforth me wyth that certen hope of ther good state in all felycitie to the wych al w[e] trust to com when it shal be Goddys pleasure to call us.

Your second lettre was al full of comforth, and speecially to understand the goodnes of the quenys highnes toward yow in restoryng that parte of the Sarisbrues[?]londes to yow and my lovyng nese yowr syster that wer in her grace [*sic*] hand, wherby yow may the more evydently perceve how the hond of God ys over yow wyth hys bountefulnes wych dayle more and more yow shal perceve the more yow do endevore yowrself to be hys servants and grateful to yowr lady and mystres, as I dow3t not but yow do most earnestly purpose. And thus I do commytte yow to the mercifull protection of God with my good lord yowr husband and my nese yowr sister.

Written at Brussels³ in the Emperor's Courte the xxi of June MDLIII,

By your loving unkell

R. Pole, cardinale legate⁴

² *Dict. of Nat. Biogr.* xxv. 116.

³ Pole did not return to England until November 1554 (*Venetian Calendar*, 1534-54, pp. 592, 594). On the day before the letter here printed Pole was at a monastery near Brussels (*ibid.* p. 576).

⁴ Holograph. Endorsed (in a different hand):—'To my good ladye and Neace,

II

[21 June 1555]

[f. 249] Myn owne good lady and nese. After my most hartye commendations thys shal be to thanke yow for your both lettres and messinger sent and written to understand the condicione of my welfare wych is so much the better that I understand of my lordes your husband[s] better recover and of your helth wythall. And as tochyng me thoꝝ my passage over the see was not so quyet as when my lord your son passed wyth me to Calis ward, yet after I was loded I found myself very wel and yesterday dyd visitt the quenys and kynges highnes fyndeng both ther highnes[es] in properose eastate and in howrely expectation [*sic*] to bryng forth what I trust shal be all our comforth. Other I have not to wryte at thys present but pray God encrease my lordes recover and confyrme your helths. Wryten with speede at Richmond, thys xxi of June MDLV

your assured and loving uncle

R. Pole, cardinale legate ⁵

III

[3 July 1555]

[f. 251] Myn owne good ladye and neace, This shall be after my moste hartie commendations to gyve yowe like thankes bothe to my goode lorde yowr husband and yow for both yowr lettres and presentes yowe sent me off pasties of redde deare, whiche could not come in better tyme for suche straungiers as resorted to me at this present. And verie glad furst I am to heare of my good lordes better recover and of yowrs wythall, as I trust yowe wyll showe the same at yowr comyng hither, which I nowe looke for shortelye as yow put me in good hope by yowr lettres. In the meane season I shall commytt yow to the tuition of Almyghtie God wyth my good lorde yowr husband and my yong lorde and nephew yowr sonne of whose writing I wold gladlie see somewhatt touching the translation of the booke written of nobilitie in thatt parte I showed hym, whiche I wold take for a[s] gratefull present as he could gyve me.⁶ And so ones again my good ladie and neace commendeng yowe wythe all yowrs to the protection of Almyghtie God, fare ye well.

Written at Rychemond the iii^d of Julye 1555.

your loving uncle

R. Pole, cardinale legate ⁷

my ladie, countesse of Huntynghon'. Possibly the lands referred to in this letter were formerly part of the possessions of Margaret, countess of Salisbury, Pole's mother, who was executed in 1541.

⁵ Holograph. Endorsed (in Pole's own hand): '[T]o my good lady and nese my lady the cowntesse of Huntynghon.'

⁶ There is another reference to the translation of *De Nobilitate* in a letter of L. Matalius Metellus: see the *Dict. of Nat. Biogr.*, xxv. 116, s.v. Hastings, Francis.

⁷ The signature only is in the Cardinal's hand. The letter is written and endorsed '[T]o my verye good ladye and neace [my] ladye countesse of Huntynghon' (in the same hand as that of the endorsement of no. 1).

IV

[20 Dec. 1555]

[f. 243] Myn owne good lady and nese. Thys shal be to adverteyse yow of the receyte of yowr lettres dated the xvth. of thys present monethe with a packet of yowr hondy worke and v. napkyns wythall: for the wych I do most hartely thanke yow, and the same was the more gratefull unto me knoweng from what a loving mynd it cam, and not so much persuaded that yow wer so good a workewoman as yow have showed in the same the wych ys so wel that I can desyre no better yf yow had been brought up in such warkes, and yet I thynk it be the furst that yow have made. I wyl gladlye were it for yowr sake in highe festys that I may have more occasion to remembre yow when I have more occasion to praye. I wold my syster wold a taryed a littell longer with yow for her comforth: wych cannot lake, she delyghteng, as yow wryte she doth, in prayer. My lord her husband showed me her lettre sygnyfieng her aryvall at Stafford and he hymself wyl now repayre thitherward, as he showeth me, to be ther at Chrystmas, wych God send yow mery with my good lord yowr husband and al yowr yong frutes and elder, not forgettyng specyally to commend to yowr care my son Water⁸; and that yow wyl let my lord Hastynges know with my hartye thanks of the receyzt of hys lettres. Therby I understode of my lordes good arryval at his howse of Ascheby.

Writen in hast at Lambeth on S. Thomas even, MDLV.

your loving uncle

R. Pole, cardinale legate.⁹

V

[2 Jan. 1556/7 or 1557/8]

[f. 241] Myne owne good lady and nese. The occasion of thys yowr servants retorne requyrenge yf I wold [give] ony message unto yow, rather then ony mattre to wryte of causeth me to send these lettre[s], howbeit I counte it mattre ynow[g]he by my lettres to gyve yow to understond of my state and to gyve yow occasion to do the same of yowrs wyth my good lord yowr husband, and all yowr yong frutes specyally of my littel Water committeng yow al to the protection of God who dayle increase hys comforth toward you. Writon in hast at Lambeth¹⁰ thys second of January.

your loving uncle assurdly

R. Pole, cardinale legate.¹¹

⁸ Walter Hastings was the sixth son of the earl of Huntingdon, see *Extracts from Leicestershire Parish Registers relating to the Hastings Family*, Leicestershire Architectural and Archaeological Society, 1884.

⁹ Holograph. Endorsed (in hand of preceding letter): 'To my good ladye and nece the cow[n]tes of Huntynghton.'

¹⁰ Pole became archbishop of Canterbury, 22 March 1555/6.

¹¹ Holograph. Endorsed (in the same hand as before): 'To my good ladye and nece the cowntes of Huntynghton.'

VI

[1557 ?¹² May 22]

[f. 247] My good lady and nese. After my most hartye commendations to yow and to my good lord yowr husband, thys shalbe to accompany my lord Hastings so much the shorter that he can informe yow what it shal lyke yow, both of my state of helth and those thynges that perteyne to me. And as tochyng yow, the lettre I say yow had wryten to the quenys physitions made me know more then I was glad to here tochyng yowr helth wych I am sory ys no better. Ipercevyd yowr deliberation tochyng the bathe of S. Anne of Boxton yf the fesitions here wold agre to the same. Wherapon I called Mr. Owen unto me to commune with yow of the same for I wold not wyshe yowr sklendar body prove ony wholie waters except they were mervelose temperat allow they do good to som, the complexions be not al alyke. I trust they wyl wryte there myn[d]¹³ thereof. Thus I wryte only to warne yow except yow have some proffes of som other of lyk deliverie [?] of body that yow shold not be the first to venter. I have taken Mr. Frear to my service wych shal be redy at al tymes to serve yow. And thuse Almyghtie God send yow as wel to do as I hold myself, with my good lord yowr husband and yowr yong floke specially my son Water. Wryten at S. Jamys the xxii of May

your assured loving uncle

R. Pole Cardinale legate.¹⁴

*An Unpublished Manuscript of the Lords' Journals for
April and May 1559*

AMONG the manuscripts bequeathed by William Petyt (d. 1707) to the Inner Temple is a large collection of Journals of Parliament. The value of some of these was indicated in the *Eleventh Report of the Historical Manuscripts Commission*, app. vii; but others, included in a set of manuscripts numbered 537, are dismissed with a bare mention as 'Journals of Parliament, Henry VIII—Charles II, 46 vols. folio'. Professor A. F. Pollard, whose help I had asked in an attempt to discover additional sources for the history of some Tudor Parliaments, suggested that it would be well to look at these manuscripts, and by the courtesy of the Library Committee of the Benchers and of their Librarian, Mr. J. E. L.

¹² There is a reference to the illness of the countess of Huntingdon in an undated letter from J. Fryer to Mr. Poynings or Mr. Morris at court with Pole, *Cal. State Papers, Dom.*, Add., 1547-65, 465. The editor of the calendar places it under the year 1557, but in Edwards's manuscript calendar of the Carte MSS. in the Bodleian, the letter here printed is dated 1555, though no reason is assigned.

¹³ Manuscript damaged.

¹⁴ Holograph. Endorsed (in same hand as before): 'To my good ladie and neace my ladye countesse of Huntynghton these be yeaven.'

Pickering, I have been enabled not only to examine several of them but to transcribe the extracts given below.¹

These are taken from a manuscript numbered 537, vol. 6. It is a large folio in a hand of the early seventeenth century, containing a copy of the Journals of the House of Lords for the reigns of Mary and Elizabeth. A note on a flyleaf in another and later hand says it is 'Per Rob: Bowyer', and refers to p. 2, where there is a marginal comment in very small neat writing, beginning characteristically 'Mr. Bower is in this much mistaken', and signed 'Simonds D'Ewes'. The mistake thus corrected is not in the text of the Journals, but in one of a series of notes, carefully distinguished from the text by being written in a much larger hand, which occur at intervals throughout the manuscript. There are a few other notes in D'Ewes' writing in the margin. Much of the text corresponds very closely to that of his published *Journals of the Parliaments during the reign of Elizabeth*, and there can be little doubt that it is this volume which he describes in his preface to that work, no. 2 in the list of materials used, as:

A large *Manuscript Abridgment* in folio of all the said Original *Journal Books* of the *Upper House* during her *Majesties Reign*, very faithfully for the most part collected and transcribed with his own hands by *Robert Bowyer* Esquire, who continued *Clerk* of the said House *ab an. 6 Iacobi Regis* until the eighteenth year of the same *King*.

The 'abridgment' is mainly produced, as far as can be gathered from comparison with the printed *Lords' Journals*, by summarizing or omitting lists of peers present, proxies, &c. The manuscript is written in double columns; in the margin are numbers, beginning afresh for each session, for convenience of reference. In form, writing, &c. it closely resembles another of the same set, 537 vol. 8 (*Lords' Journals*, 19 March 1603/4–7 June 1614), and part of one which is vol. 10 in the set numbered 538 (fo. 144, *seqq.*, *Lords' Journals*, 19 March 1603/4–9 November 1605, and 22 January 1605/6–6 May 1606),² both of which were also written by Bowyer. Vols. 1–3 of set 537 appear to be a later transcript of the first volume of the same series,³ covering the reigns of Henry VIII and Edward VI.⁴ At the beginning of 537 vol. 1

¹ The dates of all the Journals included in the set of manuscripts numbered 537 are to be found in the Catalogues of the Library printed in 1806 and 1833, of which there are copies in the British Museum.

² It will be noticed that these two manuscripts overlap. They differ considerably in wording throughout, occasionally in substance.

³ At the beginning of 537 vol. 1 is the statement, 'This Booke conteineth a Coppy of all the Journall Bookes' of the Parliaments from 1 Henry VIII to 7 Edward VI 'which remaine in the . . . Custody of the Clerke'—but the last entry in the manuscript is dated May 32 Henry VIII.

⁴ Vols. 5 and 7 of set 537 are similar but very imperfect later copies of 537, vol. 6, in which the notes are not always to be distinguished from the text.

is some very interesting introductory matter. It includes a copy of the 'Sacramentum Clerici Parliamentorum', with the statement that Robert Bowyer took these oaths 30 January 1609, and also the following explanation of the presence of notes in the manuscripts.

The Clerke of the Parliament doth every day (sitting in the House or Court) write into his rough or scribled Booke, not onely the reading of Bills and other proceedings, of the House, But as farr forth, as he cann, whatsoever is spoken worthy observation ; Howbeit into the Journall booke which is the Record, he doth in discretion forbear to enter many things spoken though memorable, yet not necessarie nor fitt to be Registered and left to Posterity of Record : of which nature are (except a few Notes expressing my particular and private concept of the matter and manner of the thing handled,) all whatsoever is in this Booke writt in a larger character, which I have here sett downe, both for illustration And, for that the same many times doth availe, for opening and full and right understanding, of the business in the place handled.

It is disappointing to find that though some of the notes in MSS. 537 vol. 8 and 538 vol. 10 answer to this description, those in MS. 537 vol. 6 are for the most part limited to matters connected with parliamentary procedure and the defects or peculiarities of the original Journals. Bowyer's 'larger character' is represented by italics in the extracts from that manuscript which are given below.

As far as could be ascertained by comparison of a few passages chosen at random, the entries for the greater part of Mary's reign in MS. 537 vol. 6 correspond closely with those in the printed *Lords' Journals*, except that lists are abridged, and there are differences in spelling and punctuation. At the beginning of the last Parliament of Philip and Mary, however, one side of a page and a column and a half of the next are left blank, there is no heading, and the entry 'Willelmus Cordell miles prolocutor' precedes the memorandum about proxies given on p. 536 of the printed *Journals*. The general character of the differences observed, and also that of Bowyer's notes, may be illustrated by the two last entries for the reign, which are as follows :

11. Die mercurij 16^{to} Novembris proceres tam spirituales quam temporales quorum nomina subsequuntur presentes fuerunt.

Episcopus London:	Archiepiscopus Eboracen: Cancellarius
Episcopus Winton:	Anglie
Episcopus Wigorn:	Dux Norff: Marescallus Anglie
et sex alij episcopi	Comes Salopp: Et 3 alij Comites:
	Vicecomes Montague:
	D. Audeley
	et 11 alij Barones:

Hodie 2^a vice lecta est billa touchinge the levienge of Fynes with proclamations in the countie palatine of Durham, que commissa est ad ingrossandum:

Item 3^a vice lecta est billa, that no person shall print any bookes etc. unlesse he be licenced therunto by the King and Quēenes majesties commission under the greate seale of

In the Journall booke the enterance Last above mentioned endeth abruptly as above, Leavinge out the woord [England] in the ende :

12. Die Iovis 17^{mo} die Novembris proceres tam spirituales quam temporales quorum nomina subsequuntur presentes fuerunt.

Then follows the full list of peers, as in the printed *Lords' Journals*, except that the bishop of Norwich is omitted and some of the names are spelt differently. After this is a note :

The day Last before mentioned all the names of the lls aswell spirituall as Temporall are in the Journall booke sett downe as the same are heare before wrightten n : 12 but not any one marked thus [pr] as in other dayes the names of the LLs present are :

Also this day no enterance is in the Journall booke of any bill read or other matter doon

Yt is likely that the names were wrightten by the Clerke over nighte for preparation against the nexte morninge at which tyme yt is probable that the LLs did not meete in the parliament Chamber, for on that same day viz on the 17 of November Queene Mary died : The king beinge at that tyme out of the Realme :

The remaining column and a half of this page is blank, and on p. 68 follows :

The parliament holden att Westm^r on tuesday⁵ the 23 of January in the first yeare of the most noble Lady Queene Elizabeth ; of famous memorie :

1. On monday the 23 of January to which day the parliament was summoned then to begin ; (the Queene for divers speciall causes thincking good and resolved to adiorne the same, for a few daies) The L. Keeper of the greate seale after divers LLs wear set in their places in the parliament howse in presence of the said LLs spirituall and Temporall and of the knights Citizens, and Burgesses sommoned to the same parliament did declare that hir majestie by reason of hir indisposition of health durst not adventure to come this day unto the howse being the prefixed day for the parliament to have begoon, which shee requiered him to signifie unto them, and by virtue of hir Majesties writt of prorogation to proroge the said parliament untill the 25 of this instant moneth of January : whereupon the saide writt was openly and publicly readde by the Clerke of the parliament : ⁶

⁵ Sic. The 23rd was a Monday.

⁶ It will be noticed that this entry differs considerably from that in the printed *Journals*, p. 542. A similar divergence occurs at the beginning of the second Parliament, the prorogation of which is attributed to the 'evell disposition' of the queen's health.

Then come four entries, in English, about the receivers and triers of petitions, a free translation of those in law-French on p. 542 of the *Lords' Journals*, omitting the lists of names. The next entry is :

6. On Wensday the 25 of January, weare present the noble persons undernamed viz :

The Queene :

Sir Nicholas Bacon knight, Lo. Keeper of the greate Seale of England :

L : Archbishop of Yorke :

Marques of Winchester L : Treasurer of Englande :

The rest of the list includes the same names as in the printed *Journals*, but in their English forms and with several other differences of spelling. The order is the same except that the bishops and the abbot of Westminster are placed between the viscounts and the barons. In the margin is a note by D'Ewes :

Ther is noe présence of anye marked in the originall Journal Booke untill monday the 30th day of Januarie ensuing.

These extracts, with those given below, sufficiently indicate the change in the character of the manuscript at the beginning of the reign of Elizabeth and its increased divergence from the existing *Journals* at the house of lords. This divergence, with the occasional notes by Bowyer and D'Ewes, is enough to make it an additional source of some value for the parliamentary history of the reign. But its chief importance consists in the fact that it bridges the gaps in those *Journals* during the debates on the acts of uniformity and supremacy, for which hitherto the only known authority has been D'Ewes.⁷ The days missing in the *Lords' Journals* are 14, 15, 25–29 April, 2, 3, 5 and 6 May, 1559. The entries covering that period in the Petyt manuscript are given in full below. It should be noted that no significance need be attached to the absence of the names of peers present on any particular day, as these lists are regularly omitted in this section of the manuscript.⁸

111. Die veneris the 7 of April. Billa giving authoritie to the Q : highnes upon thavoidance of anie Archbishopricke or Bishopricke to take into hir handes the Temporall possessions therof recompensing the same with parsonages improprieate. 3^a vice lect' est et conclusa dissentientibus Archiepiscopo Eboracen. Episcopis London Wigorn, Coven, Exon, Cestren et Carliolen et Abbate de Westm, et commissa est sollicitatori Regine et magistro Vaughan in domum communem deferend' :

112. Dominus Custos magni Sigilli continuavit presens parliamentum usque in diem crastinum hora nona : Quo die nihil actum est, sed parlia-

⁷ For these gaps see Maitland's paper, *ante*, xviii. 531 (reprinted in *Collected Papers*, 1911, iii. 208 f.), where, however, those in May are not mentioned.

⁸ The corresponding pages in the printed *Lords' Journals* are vol. i, 571–8, and in D'Ewes' *Journals*, 27–35.

mentum modo solito continuatum usque in diem Lune proximum hora nona. Dicto die Lune nihil actum est, sed parliamentum per Dominum Custodem magni Sigilli continuatum usque in diem mercurii proximum hora nona : Quo die vid. die mercurii 12 Aprilis nihil actum est sed parliamentum ut prius continuatum usque in diem proximum hora nona : Et die Iovis 13 Aprilis nihil actum est, sed parliamentum per Dominum Custodem magni Sigilli continuatum usque in diem proximum hora nona :

113. On friday the 14 of Aprill, weare brought from the commens house 4 Billes : viz :

An act against deceptfull using of lynyen clothe : prima vice lect' :

That craftsmen in Kent and Sussex shall inhabite in townes neare the sea coastes prima vice lect' :

An act to revive the act of parliament made a^o 5. E. 6. for keeping of hollydaies and fastinge daies : prima vice lect' :

An act for restoring to the crowne the ancient Jurisdiction over the state Ecclesiasticall and spirituall, and abolishing all forrein power repugnant to the same :

114. Dominus Custos magni Sigilli continuavit presens parliamentum usque in diem proximum hora nona :

115. On satterday the 15 of Aprill weare readde 4 billes : viz :

A bill against the deceptfull usinge of lynyen clothe : 2^a vice lect' :

A bill that craftsmen in Kent and Sussex shall inhabite neare the sea coastes 2^a vice lect' :

A bill to revive the acte of parliament made A^o 5. E. 6. for keeping of holydaies and fastinge daies. 2^a vice lect' :

An act restoring the ancient jurisdiction over the state Ecclesiasticall and Spirituall to the crowne, and abolishinge all forrein power repugnant to the same : prima vice lect' :

116. Dominus Custos magni Sigilli continuavit presens parliamentum usque in diem Lunae proximum hora nona :

117. On monday 17 April weare read 4 Billes viz :

An act against the deceptfull usinge of Lynyen clothe. 3^a vice lect' et conclus' : dissentiente Comite Arundell :

An act for the restitution in blood of Henry Howard, Jane Howard, and Katherin wife unto the Lo : Barekley, Et communi procerum assensu conclus' :

A bill that craftsmen in Kent and Sussex shall inhabite in Townes neere the sea coastes : 3 vice lect' et reject' :

An act restoringe to the crowne the ancient Jurisdiction over the state ecclesiasticall and spirituall and abolishinge all forraine power repugnant to the same. 2^a vice lect' et commiss : Duci Norff., Comitibus Arundell, Salopp. Wigorn, Rutland, Sussex, Bedford ac vicecomiti Montague.⁹ Episcopis Elien ac Carlionen ac Domino Admirallo et Camerario ac Dominis Riche, Hastings de Loughborow, ac St. John de Bletso :

118. Dominus Custos magni Sigilli continuavit presens parliamentum usque in diem mercurii proximum hora nona : quo die nihil actum est

⁹ Corrected in the manuscript to 'Montacute', in different ink.

sed parliamentum continuatum more usitato usque in diem proximum hora nona : quo die nihil actum est sed parliamentum similiter continuatum usque in diem sabbati proximum hora nona : quo die nihil actum est sed parliamentum ut antea continuatum usque in diem martis proximum hora nona :

119. Die martis 25 Aprilis introduct' sunt a domo communi 9 Bille viz :

¹⁰ An act giving auctoritie to the Queenes highnes upon the avoidance of anie Archbishopricke or Bishopricke to take into hir handes certaine of the Temporall possessions therof, recompensing the the ¹¹ same with parsonages impropriate and Tenthes : Returned Conclus' or Expedite :

An act for shipping in english bottomes.

An act touching fryses called Pagamentes which was read prima vice :

An act touching the buyng and selling of horses within a certaine tyme : which was read prima vice.

An act for the uniformitie of comen praier and service in the Church, and administration of Sacramentes :

An act touching Hexam and Hexhamshire in the Countie of Northumberlande :

An act to Revive an act made for kylling of Rookes and crowes.

An act to make good Leases, Grantes of Offices and Coppieholdes made by Nicholas Rydley late Bishop of London

An act for preservation of Spawne and Frye of Fysh : which was read prima vice.

120. An ¹² Proviso annectenda bille for the Supremacie : was read prima et secunda vice Et commissa ad ingrossandum :

121. Prima vice lecta est billa for the restitution in blood of Gregory Fynes. Que item 2^a et 3^a vice lecta est et communi omnium procerum consensu conclusa et commissa Ricardo Reade militi et Clerico Corone in domum communem deferend' :

122. Dominus Custos magni Sigilli continuavit presens parliamentum usque in diem crastinum hora nona :

123. On wensday the 26. of April weare read 4 Billes viz.

An act for shipping in English bottomes : prima vice lect' :

An act to make good Leases, grantes of Offices and coppiehold landes made by Nicholas Rydley late Bishop of London. prima vice lect' :

An act restoring to the Crowne the ancient jurisdiction over the state Ecclesiasticall and Spirituall and abolishing all forrein power repugnant to the same, with a proviso added therunto by the lls, weare 3^a vice lect' et conclus' : dissentientibus Archiepiscopo Eboracen. Vicecomite Montague, Episcopis London, Elien Wigorn, Landaven, Coven, Exon,¹³ Cestren et Carliolen ac Abbate de Westn, Et commissa magistro Weston Servienti ad Legem et Attornato Domine Regine ad communes deferend' :

¹⁰ Omitted by D'Ewes.

¹¹ Sic in MS.

¹² Sic. The clerk then began to write another word (? 'act'), of which traces remain under the Pr of 'Proviso'.

¹³ The manuscript here corrects a mistake of D'Ewes which has puzzled historians. The initial letter is quite clearly E, not O : thus the mystery of Goldwell's alleged vote as bishop of Oxford disappears.

An act for the uniformitie of Commen Praier and Service in the Churchē and administration of the Sacramentes : prima vice lect' est.

123.¹⁴ Dominus Custos magni Sigilli continuavit presens parliamentum usque in horam secundam post meridiem.

124. In the afternoone weare read 6. Billes. viz :

The bill touching Hexam and Hexhamshire etc prima vice lect' :

The bill for shipping in english botomes 2^a vice lect'.

The bill touching buyng and selling of horses within a certaine tyme. 2^a vice lect' :

The bill touching frises called Pagamentes. 2 vice lect' :

The bill for killing of Rookes etc : prima vice lect'.

An act to make good Leases, grantes of Offices and Coppiehold landes by Nicholas Rydley late B. of London. 2^a vice lect'.

125. Dominus Custos magni Sigilli continuavit presens parliamentum usque in diem crastinum hora nona.

126. On thursday the 27 of Aprill weare read five Billes. viz :

For buyng and selling of horses within a certaine tyme. 3^a vice lect' et reject' ¹⁵

For shipping in English botomes. 3^a vice lect', et Conclus' :

Touching Frises called Pagamentes, 3^a vice lect' and rejected.

An act touching the reviving of the act for killing of Rookes and Crowes : 2^a vice lect' :

An act for the uniformitie of commen prayer and service in the Churchē and the administration of Sacramentes. 2^a vice lect'.

127. Three billes were brought from the commons howse viz.

An act for the serching of woollen cloath

An act wherby the use and practise of 'enchautmentes, Witchcrafte and Sorcery is made felony :

An act to continue the act made against Rebellious assemblies : which was read prima vice

128. Dominus Custos magni Sigilli continuavit presens parliamentum usque in diem proximum hora nona :

129. On friday the 28 of April weare read 4 billes viz :

An act wherby the use or practise of enchauntmentes, witchecraftes and Sorceries is made felony : prima vice lect'.

A bill touching the serching of woollen cloath prima vice lect' :

An act to continue an Acte against rebellious assemblies. 2^a vice lect'.

An acte for the uniformitie of commen prayer and Service in the churchē and thadministration of the Sacramentes, 3^a vice lect'. Et conclus' : dissentientibus Archiepiscopo Eboracē, Marchione Winton, Comite Salopp vicecomite Mountague Episcopis London, Eliē, Wigorē, Landaven, Coven, Exon Cestre et Carliollen, ac Dominis Morley Stafford Dudley, Wharton, Riche et North

¹⁴ Repeated thus in manuscript.

¹⁵ Thus quite clearly, not *conclusa*, as in D'Ewes.

130. Introduce a domo communi due Bille viz.

An act Restoringe to the crowne the auncient Jurisdiction over the State Ecclesiasticall and Spirituall, and abolishinge all forrein power repugnante to the same.

The Journal booke doth not go any farther to declare in what sort this bill was sent from the lower house, but by other matter it appeareth that the same was returned expedite, for it is printed amonge the Lawes and Acts de A^o primo Eliz : Regine : Nota that this bille was returned with a proviso therunto added by the Commons Ve postea n : 132.

An act lymittinge tyme for layenge on lande marchandizes from beyond the seas and touchinge Customes for sweete wyne.

131. Dominus Custos magni Sigilli continuavit presens parliamentum usque in diem crastinum hora nona :

132. On satterday the 29 of April, Proviso quedam annex' per communes Bille Restoring to the Crowne the auncient Jurisdiction over the State Ecclesiasticall and Spirituall and abolishing all forrein power repugnante to the same, was 3^a vice lect' and conclus' :

An act limitinge the tymes for laying on lande marchandizes from beyond the sea, and touching the custome for sweete wyne. prima vice lect'.

Billa for the continuance of certaine statutes prima vice lect' :

Billa touching Hexham and Hexhamshire in the countie of Northumberland, 2^a vice lect'.

An act whereby the use or practise of inchantmentes witchcraftes and Sorceries is made felony : 2^a vice lect'.

133. Introduce sunt a domo communi 3 bille viz.

An acte for uniformitie of comen praier and service in the Church and thadministration of the Sacramentes conclus' :

This seemeth to be misentred by error or negligence of the Clerke of the parliament then beinge : for it came originally from the Commens and was not with any addition or amendment, nor for any other cause returned to them whereby they shoulde or might send yt againe backe : v^o antea : n : 119 : 123 : 126 : 129.

An act to annexe to the crowne certain religious houses, and to reforme certaine abuses in Chauntries.

An act for the garblyng of Fethers flockes and forcinges to be solde or ¹⁶ beddes bolsters and quishshins.

134. Tertia vice lect' est billa to continue the acte last made against rebellious assemblies : Et conclusa et commissa magistro Vaughan et Clerico Corone in domum communem deferenda :

135. Dominus Custos magni Sigilli continuavit presens parliamentum usque in diem Lunae proximum hora nona :

136. On monday the first of May weare read 4 Billes viz :

Billa for the preservation of spawne and Frye of fishe 2^a vice lect'.

Billa lymiting the tymes of laienge on land marchandizes from beyond the seas, and touchinge the custome for sweete wyne. 2^a vice lect' :

¹⁶ Sic in MS.

Billa for the continuation of certain statutes 2^a vice lect' et commissa ad ingrossandum :

Billa to make good leases, grauntes of offices and coppiholde landes made by Nicholas Rydley late bishop of London. 3^a vice lecta et reiecta.

137. Dominus Custos magni Sigilli continuavit presens parliamentum usque in horam secundam post meridiem.

138. In the afternoone was read prima vice An act for the garblinge of fethers flockes and farings ¹⁷ to be solde in beddes and quissshins.

139. Dominus Custos magni Sigilli continuavit presens parliamentum usque in diem crastinum hora nona :

140. On tuisday the 2 of May weare readde 4 Billes. viz :

The billes ¹⁸ for garbling of fethers etc 2^a vice lect'.

Billa for the continuance of certaine statutes 3^a vice lect' : et communi omnium procerum assensu conclus' :

Billa for lymitinge the tymes for laienge on lande marchandize from beyonde the seas, and touchinge Customes for sweete wyne : 3^a vice lect' et conclus' : And sent to the commens howse by Weston Serieant at Lawe and the Clerke of the Crowne :

Billa to annexe to the crowne certaine religious howse, ¹⁹ and to reforme certaine abuses in Chaunteries. prima vice lect' :

141. Sixe billes weare brought from the Commens house, viz :

For the restitution in blood of the Lo : Dacres of the South : Conclus' :

For the restitution in blood of Henry Howard Jane Howard, and Katherine wyfe unto the Lord Barcleye. Conclus' :

To continue the acte made against rebellious assemblies. Conclus' :

That the Q : majestie by commission may examine the causes of deprivation of spirituall persons and restore them againe : que prima vice lect' est.

For continuenge the makinge of woollen clothe in divers Townes in the county of Essex : which was prima vice lect' :

That tymber shall not be felled to make coales for burninge of iron.

142. Dominus Custos magni Sigilli continuavit presens parliamentum usque in diem crastinum hora octava.

143. On wensday the 3^d of May weare readde five billes : viz :

Billa that tymber shall not be felled to make coales for burninge of iron. 2^{da} vice lect'

Billa for continueng the making of woollen cloath in divers townes in the countie of Essex 2^{la} vice lect'.

Billa that the Queenes majestie by commission may examine the deprivation of Spirituall persons and restore them againe. 2^{la} vice lect'

Billa for garbling of fethers etc 3^a vice lect'

Billa to annexe to the Crowne certaine religious howses and to reforme certaine abuses in Chaunteries. 2^{da} vice lect'.

144. Dominus Custos magni Sigilli continuavit presens parliamentum usque in diem Veneris proximum hora octava.

¹⁷ Sic in MS.

¹⁸ Sic in MS.

¹⁹ Sic in MS.

145. On friday the 5 of May weare readde 4 billes : viz.

Billa that tymber shall not be felled to make coales for the burninge of iron. 3^a vice lect' et conclus' :

Billa for the contynuege the makinge of woollen cloathe in divers Townes in the countie of Essex : 3^a vice lect' et conclus' :

Billa that the Queenes Majestie by commission may examine the causes of deprivation of spirituall persons and to restore them againe. 3^a vice lect' et rejecta.²⁰

Billa to annexe to the crowne certaine religious howses, and to reforme certaine abuses in Chaunteries 3 vice lect' unacum tribus provisionibus eidem bille annexis per dominos que prima 2^a : et 3^a vice lecte erant et conclus' : Dissidentibus, Archiepiscopo Eboracen, Episcopis London Elien, Wigorn, Landaven, Coven, Exon, Cestren Carliollen Abbate de westm ac vicecomite Mountague, et commiss' magistro weston servienti ad legem et Attornato Regine in domum communem deferend'.

146. Two billes weare brought from the Commens howse : viz :

Billa for the contynuacion of certaine statutes, with a proviso added thereunto by the Commons, to which the Lls would not agree, but sent it downe againe to be passed by the leavinge oute the proviso :

Billa for the lymitinge the times for the laienge on lande marchandize from beyond the seas, and touchinge customes for sweete wyne : conclus' :

147. Dominus Custos magni Sigilli continuavit presens parliamentum usque in diem crastinum hora nona :

148. On satterday the sixte of May, Billa for the preservation of the spawne and Frye of fishe, 3^a vice lect' est, que communi procerum assensu conclusa est, dissentiente Episcopo Elien, Et commissa Ricardo Rede militi et Clerico Corone in domum communem deferenda :

149. Three bill ²¹ weare returned from the commens house viz :

Billa that tymber shall not be felled to make coales for burninge of iron : conclus'.

Billa for the contynuance of certaine statutes, conclus' :

Billa to annexe to the crowne certaine religious houses, and to reforme certaine abuses in Chaunteries. conclus' :

150. Dominus Custos magni Sigilli continuavit presens parliamentum usque in diem Lunae proximum hora nona :

At which tyme nothing was doonne, but the lls appearinge ; the Lo. Keeper of the greate Seale continued the parliamentum usque ad horam secundam post meridiem :

151. On monday the 8 of May in the ²² att two of the Clocke in the afternoone The Queenes majestie came in person into the parliament howse, there were then there present to attend hir and the service the Lls Spirituall and Temporall whose names are underwritten. viz

Sir Nicholas Bacon miles Custos magni Sigilli

Archiepiscopus Eboracen.

The rest of the names in the list which follow are the same, with differences of spelling, as those given in the printed *Journals*,

²⁰ Quite clearly this, not 'conclusa' as D'Ewes.

²¹ Sic in MS.

²² Sic in MS.

p. 578. The order is the same except that the bishops come between the viscounts and the barons, and the abbot of Westminster is placed at the bottom of the list.

Two short sections conclude the account of this parliament :

152. Nicholas Bacon miles dominus Custos magni Sigilli, ex mandato domine Reginae tunc presentis presens hoc parlamentum dissolvit.

153. Postquam omnia conclusa erant que concludi debuerunt tam in domo populari quam in domo procerum, Regia majestas ad vetus palacium suum Westm.²³

E. JEFFRIES DAVIS.

A Letter of Sir Robert Peel relative to King Frederick William IV's Proposal to Summon the Combined Diets, 1847

IN collecting materials for my *History of Europe* I have had the good fortune to discover in the Königlich Geheimes Staatsarchiv at Berlin the following letter of Sir Robert Peel, addressed to Chevalier de Bunsen, the celebrated Prussian minister in London.¹ The original, copy, and translation of the letter are comprised in a series of documents, entitled 'Aus den hinterlassenen Papieren des Herrn Ministers von Canitz 1845, 46, 47, 48. London, Vertraulicher Briefwechsel mit der Königl. Gesandtschaft. Ad acta I. A.B. b. 16. 17. 20. 21,' pp. 191-204. It was not unknown that Sir Robert Peel, at the suggestion of Bunsen, with whom he had very friendly relations, had expressed his opinion concerning the constitutional plans of King Frederick William IV. Bunsen, writing to Charles Sieveking, syndic of Hamburg², 'London, 16th March 1847,' tells him :

Dass Peel mir einen köstlichen Brief von 22 Quartseiten über die Verfassung geschrieben, in Antwort auf einen Brief und Anfragen darüber, glaube ich Ihnen schon gemeldet zu haben. Er meint, die Regierung könne die Verfassung halten, wenn sie die Entwicklung redlich wolle und sogleich darauf gefasst sei.³

Professor Heinrich Sieveking of Zürich, who is in possession of his grandfather Charles Sieveking's correspondence, assures

²³ The sentence is left unfinished.

¹ I desired to present this paper to the International Congress of Historical Studies in London last April, but unfortunately I was unable to attend the meeting.

² Cf. *Allgemeine Deutsche Biographie*, lxxxiv. 227-31; *Hansische Geschichtsblätter*, 1907, Heft 2 (Heinrich Sieveking, *Der Hamburgische Syndikus Karl Sieveking, 1787-1847*).

³ *Christian Carl Josias Freiherr von Bunsen, aus seinen Briefen und nach eigener Erinnerung geschildert von seiner Witwe*, ii. 355 (ed. by F. Nippold, Leipzig, 1869).

me that the original of this letter contains in fact the above mentioned number '22 Quartseiten'. This would not agree with Sir Robert Peel's letter preserved in the Berlin archives; but as it is very unlikely that Sir Robert Peel wrote twice to Bunsen on the same subject, the number '22' in Bunsen's letter to Sieveking may be ascribed to a mistake in writing. It is perhaps doubtful whether King Frederick William IV ever saw Sir Robert Peel's letter. In his correspondence with Bunsen, published by Leopold von Ranke, no mention is made of it. But in any case the document deserves to be made accessible in print.

ALFRED STERN.

Whitehall, March 2, 1847.

Confidential.

My dear M. Bunsen,

I have read the Papers which accompanied Your letter. Before proceeding to make any observations on the very important matters to which they refer, I must express the deep conviction which I feel, that no person, however extensive his experience may have been in the practical working of the Constitution of his own Country, ought to pronounce very positive opinions as to the Laws and Institutions which may be best suited to another Country, with whose usages, hereditary feelings and historical associations he is little conversant. Do what I will I cannot divest myself of *English* habits of thinking and, it may be of *English* prejudices.

All that I can promise You is to state frankly and without reserve the impressions which have been left upon my mind by the perusal of Your letter and the Documents which accompany it.

Excuse me if I do this in a very inartificial and unconnected manner, for at the present moment I am very much occupied both by public and private business. It may be very wise to accompany the first essay at Representative Government with the precautions and Reserves which are contained in the Royal Decree of the 3 February 1847, but those who advised and issued that Decree should prepare themselves for a more extensive (I hope a rational and gradual) development of the principle which it calls into action.

The King promises that he will not contract Loans in time of Peace, and that he will not impose new Taxes, or increase the amount of existing Taxes without the consent of the United Diet.

He reserves to himself the right of levying extraordinary Taxes without the assent of the United Diet when urgent political circumstances do not permit him to call it.

Now I greatly doubt whether these restrictions on the functions of the United Diet can be permanently maintained.

It will be contended that by giving arbitrary power to the Executive in respect to the raising of Loans, and imposing extraordinary Taxes during War, you are giving to a despotic Sovereign a motive to declare and continue hostilities—that the repartition and modification of existing Taxes are as important to the public welfare, and as properly appertaining to

the functions of a Representative and deliberative Body as the raising fresh Loans or the imposition of new Taxes—that at a period of War, when there may be great public difficulties, when there may be the necessity for extraordinary financial exertion and when it may be of the utmost importance to the general welfare that that exertion should be made consistently with sound principles of taxation and an enlarged financial policy—it ought not to be left to the arbitrary discretion of the Sovereign to intermit the Meeting of the United Diet.

I foresee therefore that the concessions to the representative principle which are about to be made will involve others—the only limits of which will be that Controul over the Taxation and expenditure of the Country which seems to be of the Essence of representative Government.

It may be for the public advantages that the limits to which I refer should be reached deliberately and gradually—that there be a progressive development of the attributes and functions of the representative Body—but I think it will be wise policy to the Executive to look early to the probabilities of the future, to avoid the abrupt thwarting of natural Tendencies, and not hastily to commit itself to a struggle, which would I think terminate in its defeat. There are two things which appear to me very important, as being calculated to uphold the authority of the Executive,—to promote the practical good working for the present of the new Constitution, and to facilitate the gradual and peaceful adjustment of questions which must arise in respect to the extent and delimitation of monarchical and popular Privilege and Jurisdiction.

The first is that at the meeting and during the proceedings of the new assembly, the Crown should have in its service, especially in those departments (whether they be civil or legal) which come in contact with the United Diet—men, not only of experience and integrity, but qualified by their character for resolution and firmness, superior intelligence and power in debate, to exercise a powerful controul over a popular assembly. In such a crisis of a national history as that through which Prussia is about to pass—it is of the utmost importance that superiority in Council and debate should be on the side of the Crown.

The second Point is—that all matters of form, all questions of the same nature with those which arose on the meeting of the États Généraux in France in the year 1788⁴ should be as far as possible *foreseen*, and carefully considered before the actual convocation of the Diet—and that the Ministers or organs of the executive Power in the Diet should be enabled to take a decided course, and by reasoning and superior knowledge either of constitutional usages in Prussia or of the analogies of the Constitutions of Foreign States, to guide the opinions and influence the Decisions of the Diet. If You are to have a Mirabeau, secure for the Royal authority, a more powerful defender than a Necker, and do not postpone the appeal to the aid of Mirabeau until he has made himself formidable by the mischief he has done or threatens, and may have become a useless instrument for Conservation and defences. Such are the very general, and probably very superfluous and useless observations which occur to me, on the main and most important points connected with the assembly of the Diet.

⁴ *Sic*, for 1789.

Your letter calls my attention to two Questions which are undergoing consideration and which will press for early decision.

The nature and degree of Restrictions on the Press ⁵ and the Relation to the State—and particularly with reference to the Rite of marriages—of the various sects holding different religious opinions. As to the public Press, the right of free discussion in a popular assembly would in my opinion be wholly inconsistent with the maintenance of a Censorship. Such a restriction on the freedom of discussion beyond the walls of the Diet, would exasperate discussions within and sentiments and doctrines which might be comparatively harmless in a newspaper, if denied that event, would soon find organs in the Diet, and would probably make a deeper impression from the authority they would receive from the Place from which they issued.

As I infer from Your letter that it is intended to give jurisdiction over Libel, over the questions both of Law and fact, (that is the question whether the writing incriminated was actually published by the person charged with its publication and also the question whether the writing itself be a libel in the eye of the Law) to a Tribunal composed exclusively of Judges as distinguished from a jury—the danger of a sudden removal of the Censorship would I presume be materially diminished.

I know not what other restriction on the liberty of the Press, as a substitute for the Censorship, can be established, than direct personal responsibility to the Law for that which may be published.

To ensure this responsibility two things seem requisite.

First the careful registry of the proprietors and Editors of any given publication, and

Secondly such a security to be given at the time of Registration as shall ensure the Recovery of any pecuniary Penalties that may be inflicted by due Course of Law.

I presume that it will be of great importance to provide that the amicable Relations of Prussia with Foreign States shall not be endangered by the abuse of the Liberty of the Press, and the publication of Libels on the character of foreign Sovereigns or the acts of foreign Governments.—

The proceedings in the English Courts in the case of Peltier ⁶ charged with a Libel on Bonaparte and Lord George Gordon ⁷ with a Libel on Marie Antoinette, are probably familiar to You. They clearly show that our Law, liberal as it is, will punish a Libel, on a foreign Sovereign.

With regard to the Relations of dissenting bodies to the State, I conceive it would be very presumptuous were I to give any opinion on a subject on which none could be safely pronounced without a very intimate knowledge on many points on which I am uninformed.

⁵ On the Prussian proposals of German press legislation in 1847 see Stern, *Geschichte Europas*, vi. 292.

⁶ Jean Gabriel Peltier (1770–1825), the celebrated French journalist, refugee in England, who was tried at the instance of the French government 1803 for a libel against the First Consul and was defended by Mackintosh. Cf. *Biographie universelle*.

⁷ Lord George Gordon (1751–93) in 1787 took up the case of Cagliostro and put a couple of paragraphs in the *Public Advertiser* accusing Marie Antoinette of persecuting this man. He was convicted of libel for these paragraphs 13 June 1787, and died in Newgate. Cf. *Dictionary of National Biography*, xxii. 198.

I must confine myself to the question to which You particularly advert, the effect produced in this Country by the alteration in the Law made some years since, which relieved the great Body of Dissenters from the obligation to have their marriages solemnized according to the Rites of the Established Church.⁸

The result has been just what I expected. The vast majority of marriages are sanctioned by a religious ceremony in consequence of the voluntary preference of the parties for such a ceremony over a purely civil contract. The inclosed Paper will show the comparative number of cases in which the ceremony adopted is that of the Established Church. One year (1844) will exemplify the general Results. You will observe that in that year in England the total number of marriages was 132,249.

Of these 3,446 took place in the civil Registrars-Office—but I am not sure whether in many of their cases a religious ceremony might not have been superadded to the civil contract. Of the whole number 132,249, 128,803 were sanctioned by some religious Rite—and 120,000 by the Rite of the Established Church.

In my opinion the Established Church has been strengthened not impaired, by relieving parties from the *legal obligation* to marry according to its Rites. In this as in many other cases, parties are quite ready to do that voluntarily—which they are very unwilling to do under penalty and by compulsion.

I have written to You I fear at very unreasonable length. I begun and have finished my letter in a very cold Committee Room, during a sitting of the Committee on the Navigation Laws and amid many interruptions.

If my Letter is either illegible, or unintelligible, You must let me plead cold fingers and a noisy Examination, to which I have occasionally to attend, as my Excuse.

Believe me my dear M. Bunsen

very faithfully Yours

ROBERT PEEL.

Le Chevalier Bunsen

⁸ The Dissenters' Marriage Bill, 1836.

Reviews of Books

An Introduction to Greek and Latin Palaeography. By Sir EDWARD MAUNDE THOMPSON, G.C.B. (Oxford : Clarendon Press, 1912.)

THIS handsome volume is a revised and enlarged edition of the well-known *Handbook of Greek and Latin Palaeography*, originally issued in 1893. No alteration has been made in its plan. The chapters are the same in number, and deal with the same subjects; but their treatment is more ample and the results of recent advances in knowledge are incorporated. It is, however, in the wealth and quality of the illustrations that the advantages of the new edition are most conspicuous. In the original work the size of the page was not well adapted to facsimiles, and the lithographed snippets which there did duty as palaeographical specimens were far from satisfactory. These have now been replaced by examples which are on a scale sufficient to give a fair idea of the various scripts, and are reproduced largely by photographic process, mostly with great success. Only one is really a failure (p. 121); another (p. 152) by an unfortunate oversight has been printed upside down. Many of the illustrations are taken from previously-published facsimiles, which is perhaps hardly so much of a recommendation as the author assumes. Certain typical specimens were, of course, inevitable; but in palaeography the accumulation of illustrations is highly desirable, and the fact that a reproduction of a manuscript is already accessible seems a reason for avoiding rather than repeating it.

The branch of the subject in which by far the greatest advance has been made since the *Handbook* first appeared is the earlier Greek period, and the chapter on papyri has been to a large extent rewritten. Some day it may need rewriting again; but that the next twenty years will be as fruitful as the last may be doubted, though there are still gaps to be filled and many uncertainties, especially in regard to the dating of uncials, to be verified. For the cursive hand the most serious lacuna in the evidence is the half-century preceding the Roman occupation; the statement on p. 149 concerning the fifth century is fortunately no longer exact, for there is now a considerable amount of material for that period awaiting publication, from Oxyrhynchus and elsewhere. Is it, perhaps, the existing inadequacy in the representation of the late Ptolemaic and early Byzantine ages that has given plausibility to Sir E. M. Thompson's theory of the influence of political changes in Egypt upon the evolution of the Greek scripts? This theory is emphasized more than once (pp. 105, 151, 197); but whether a fuller knowledge of the transitional periods will substantiate it seems very questionable. The Roman officials who were installed in the government offices can have brought with them no school of Greek calli-

graphy; no doubt they employed the local scribes, and their influence upon the local handwriting is not likely to have been much more effective than that of the English upon modern cursive Arabic. Still less likely is it that the administrative changes of Diocletian were responsible for the birth of the 'Byzantine' style. As the evidence becomes more complete, the more clearly, we may anticipate, will the continuity in the development of Greek writing be seen.

Another point which appears open to criticism, and is of some general interest, is the treatment of the later literary papyri. No illustration is given of uncials on papyrus of more recent date than the middle of the third century, and thereafter only vellum is taken into consideration. True, in the fourth century the field begins to widen and attention ceases to be fixed upon Egypt. But Egypt remains for two or three centuries more the palaeographical centre. It is quite possible, or even probable, that the three great Biblical codices, upon which Sir Edward depends for his illustrations of the book-hand of the fourth and fifth centuries, all proceeded from that country. He does not refer to the recent evidence, discussed in Lake's facsimile edition, and accepted by Gardthausen,¹ in favour of assigning an Egyptian origin to the Codex Sinaiticus. A pure palaeographer might indeed be tempted to credit the Codex Bezae also (fifth century, perhaps, rather than the sixth, p. 209) with the same provenance; at least it is no longer credible, as Dr. Loew has recently shown,² that that manuscript was written by a Latin scribe or in Western Europe (pp. 209, 270). Egypt, then, in the earlier Byzantine age continues to loom large; and there, if nowhere else, papyrus held its own, or more than its own, as a writing material, and it remains an indispensable witness. In fact, the influence of the introduction of vellum upon the development of the Greek uncial appears to have been much exaggerated. At any rate, the prevalent idea that papyrus was too delicate for effective penmanship, and that the contrast of light and heavy strokes first became possible on vellum, is a fallacy refuted by numerous examples to the contrary. A closer study of Byzantine literary papyri, too, should help to eradicate the view that a slope in the letters is of itself a criterion of their age.

In the chapters devoted to the Greek minuscule and to Latin there is, naturally, no corresponding advance to be looked for, though for minuscule origins and for the early Latin scripts, both literary and cursive, Egypt has been contributing new data, of which careful account is taken. The proportion of Latin in the papyri has been regrettably small; lately, however, there has been some improvement in this respect, and further additions may reasonably be anticipated. In the discussion of the old Latin national hands, the recent studies of Traube and Loew receive recognition, though the not very satisfactory titles Lombardic and Merovingian are retained. Other chapters deal with the Irish and English book-hands, and the official and legal scripts; in the latter section, which is illustrated by an excellent series of charters, the superiority of the facsimiles, as compared with those of the old *Handbook*, is specially noticeable.

¹ *Griech. Paläogr.*, 2nd ed., p. 124.

² *Journal of Theol. Studies* (1913), xiv. 385.

On the closing page the reader is reminded that this work does not pretend to be more than an introduction to the subject. As such, it fulfils its purpose excellently well—so well that one is inclined to regret that the aim was not more ambitious, and that the distinguished author's unrivalled knowledge and experience have not absolved the researcher from seeking details in such treatises as Gardthausen's new *Griechische Paläographie*. No doubt a much greater elaboration would not have been possible within the compass of a single volume, which is, moreover, already sufficiently expensive; but a division of the Greek from the Latin and national sections would be natural, and this would make possible a division in the price. Still, as the general handbook which it professes to be, this *Introduction* stands by itself: no other work gives so satisfactory a survey or brings a mastery of the principles of classical palaeography and of diplomatic within such easy reach. Many students will have reason to be grateful to Sir E. M. Thompson for the first use which he has made of his well-earned leisure.

A. S. HUNT.

The First Twelve Centuries of British Story. By J. W. JEUDWINE, LL.B.
(London: Longmans, 1912.)

IN this volume Mr. Jeudwine essays to give a slight sketch of the social and political conditions in the British Isles from the year 56 B.C. to A.D. 1154. He argues that previous histories have dealt too exclusively with English affairs, and that special histories of Scotland, Ireland, and Wales have, perhaps in consequence, been too often bitterly hostile in their comments on their ancient enemy, the English. The idea is attractive, and Mr. Jeudwine, by his independent attitude, throws sometimes a fresh light, as when he contends that the strength of the Northmen in the Irish Sea discredits the story of Edgar's naval power. But in the end one is left with the impression that, after all, events in the outlying parts of the islands had no very material influence on the general history which centres inevitably round the fate of southern Britain. Such a conclusion is not due to any lack of sympathy on the part of the writer, who shows that his own greatest interest is with Scandinavian and Celtic history. Against English history as preserved by Benedictine monks he has a somewhat exaggerated prejudice. His own critical knowledge of the strictly British and English sources is imperfect. Nennius is dismissed without any reference to the work of Zimmer. Asser is quoted without any reference to Mr. Stevenson's authoritative text. There may be need for caution in using late writers like Florence of Worcester, Henry of Huntingdon, and even William of Malmesbury, but their deficiencies cannot be made good by modern conjectures as to what 'probably' or 'no doubt' occurred. Mr. Jeudwine does not seem to have any acquaintance with the researches of Professor Haverfield on Roman Britain, or for later times with the works of Maitland and Dr. Round. Under such circumstances his own sketch of social and political conditions cannot be accepted as an up-to-date summary of British history during the long period which it covers. Nor is Mr. Jeudwine always accurate on small points. The letter of King Lucius of Britain to Pope Eleutherius is accepted without question,

and without any reference to the solution discovered by Professor Harnack. King Stephen (through confusion with his father) is said to have taken part in the First Crusade, and his brother, Henry of Blois, is made a cardinal. (Is this a confusion with a later Henry of Winchester?) A defence of Ethelred II as neither incompetent nor wicked is ingenious though not convincing; the traditional view of the Redeless King is not to be dismissed by charging monastic chroniclers and modern historians with having filled up the gaps in the Saxon Chronicle with abuse of the last Saxon king. Recent writers like Dr. Hunt in the *Dictionary of National Biography* have done full justice to such good qualities as Ethelred possessed, and have shown that if he was not without energy and capacity, the disaster of his reign was due to the lack of good counsel. Since Ethelred came to the throne as a child it is vain to argue that he had led the forces of Wessex during thirty-six years and therefore cannot have been incompetent. He is not the only weak king who had a long reign. Still, in spite of its grave defects, there is much in Mr. Jeudwine's volume which is interesting, and the stress which he lays on the importance of Scandinavian influence, if not entirely novel, is serviceable. C. L. KINGSFORD.

The Early Chronicles relating to Scotland. By the Rt. Hon. Sir HERBERT MAXWELL, Bt., LL.D., D.C.L. (Glasgow: MacLehose, 1912.)

THE president of the Society of Antiquaries of Scotland was happily inspired in the choice of a subject for the second series of Rhind lectures in archaeology which it has fallen to him to deliver. The work of Sir Archibald Dunbar, Sir Archibald Lawrie, and Mr. Alan Anderson has, in Sir Herbert Maxwell's own words, provided 'a *corpus* of reference which I have found to save an infinity of trouble', and some of his lectures form a kind of commentary on Sir Archibald Lawrie's *Annals of the Reigns of Malcolm and William, Kings of Scotland*, and Mr. Anderson's *Scottish Annals from English Chronicles*. Sir Herbert Maxwell disarms the critic by two frank confessions: 'Little, very little indeed, of what I have put before you,' he told his audience, 'is my own, or entitled by any strain upon language to be termed original.' His book is not original, but his modesty has led him unduly to depreciate the importance of 'a survey and recension such as any patient student might undertake'. He brings to his task the experience of original work on other aspects of this same subject, and a survey and recension of difficult and intricate controversies by a learned student cannot, and does not, fail in original suggestions and interpretations. The author's interest is not so much in the chronicles themselves as in the history to be extracted from them, and here, again, he admits the impeachment. 'I am afraid,' he said at the conclusion of his second lecture, 'I have been tempted aside from the purpose of these lectures, which is rather to review the character and examine the authenticity of the early chronicles relating to Scotland than to follow the events recorded in them. . . . In the remaining lectures endeavour will be made to stick closer to the text.' It is not until we reach the last lecture that we find the endeavour really crowned with success, but, at times, it is very difficult to draw a distinguishing line, nor is it reasonable to expect a Scotsman

to discuss the Anglo-Saxon Chronicle without doing battle on the general question of the overlordship.

In his first lecture Sir Herbert Maxwell gives a clear and succinct account of the Roman period, in the course of which he argues against Sir John Rhys's identification of the Caledonians with the Brythonic Celts. The most interesting passage in his second lecture is his acceptance of Skene's theory that Camelon is Camelon on the Carron, and that the wars of King Arthur belong to Scottish history. With his third lecture he reaches his main subject, and his criticism of the references to Scotland in the Anglo-Saxon Chronicle is an excellent presentation of the Scottish case, both before and after the Norman conquest of England. The reign of Malcolm the Maiden is easy to deal with in the light of Sir Archibald Lawrie's book, but we note that Sir Herbert Maxwell, in quoting the well-known tale of William of Newburgh, does not refer to Sir Archibald's plea that 'the virtue of chastity which impressed Malcolm's contemporaries has been denied him on the scanty evidence of a couple of words in a doubtful charter'. There is less obscurity as the story progresses on to the war of independence, and these lectures constitute a careful and pleasant exposition of the outlines of Scottish history. Their most valuable feature is an appreciation of the meagre Scottish authorities themselves, the Holyrood and Melrose Chronicles, the fourteenth and fifteenth-century historians, and Barbour's *Bruce*. The chronicles are poor and unilluminating, defective even where they might most naturally be expected to be adequate, and Sir Herbert Maxwell can say little good of them, but he takes up the cudgels for Fordun as 'the Father of Scottish History'. Still more interesting is his defence of Barbour, who is coming again to his own as an historical authority. His one famous blunder (if blunder it was) discounted, 'Barbour's statements will stand the test of examination in the light of such State papers and documents as have been preserved, to which, of course, the Archdeacon of Aberdeen had no access.'

ROBERT S. RAIT.

Byzantine and Romanesque Architecture. By THOMAS GRAHAM JACKSON, R.A. 2 vols. (Cambridge: University Press, 1913.)

IN these handsome volumes Sir Thomas Jackson essays to cover, as others have done, the history of what he describes as 'Post-Roman Architecture'—in other words, the styles which grew up within the boundaries of the old Roman empire between the end of the classical period and the rise of Gothic art. The book, we are told, originated in lectures, and like most good lectures its strength lies in its comprehensive sketches and clear descriptions rather than in its scientific treatment and arrangement of the subject-matter. As we should expect, with an architect of such wide experience, many original and instructive observations are scattered up and down the pages; the scholarly and historical points of view are not neglected; and the notes reveal a considerable acquaintance with the literary authorities. The latter, however, are not always exhaustive or quite up to date. For medieval affairs the references are mostly to Hallam, Milman, and Guizot; there is no allusion to Signor Rivoira's latest

statement of his views in his *Lombardic Architecture*, the English version of his *Origini*, which appeared in 1910, nor to the monumental work—*L'Architecture religieuse en France à l'époque romane*—in which M. de Lasteyrie has summed up the researches of a lifetime, published rather more than a year before these volumes. A curious instance of the use of an obsolete text occurs in a note (i. 180, n. 2) confessing inability to explain an impossible Latin word in a description by Agnellus of S. Apollinare in Classe at Ravenna. A reference to Holder-Egger's authoritative text in the *Monumenta Germaniae (Scriptores Rerum Langobardicarum, p. 323)* would have solved the difficulty. And we should have thought that by this time it was pretty well known that 'Richard of Cirencester's' glowing account of Roman Britain with its 'ninety-two considerable towns', cited here (ii. 173) in all good faith from Gibbon, was a forgery of the eighteenth century. It is not, however, by such slips that the book is to be judged. It undoubtedly contains a great deal of valuable information, sometimes of very recent date and not to be found elsewhere, such as the report of the author's official examination of the state of S. Sophia at Constantinople in 1910, and interesting details discovered during his restoration of Winchester Cathedral (ii. 246).

The field covered by these volumes is very wide, and we can only notice some of the more important points and corrections that have occurred to us in going through them. An excellent statement of the merits of Roman imperial architecture serves as an introduction to the first great Christian basilicas, but the origin of their characteristic plan is not very satisfactorily explained considering the difficulties which it presents. M. de Lasteyrie's treatment of the subject may be consulted with advantage. Texier and Pullan's statement (quoted i. 16) that 'the Licinian basilica at Rome is the only law court known to have been used for Christian worship' must be based on some error, for we know of no Licinian basilica. Perhaps they meant the Basilica Sicinini, i.e. S. Maria Maggiore, which was never a law court. In the account of S. Peter's the two round mausolea connected with the south arm of the transept are described as 'the tombs of the Apostles'. They were, of course, the imperial tomb-house of the Theodosian dynasty.

One of Sir Thomas Jackson's merits is independence of judgement, and he is less carried away by the prevalent tendency to explain everything in architecture and art by reference to the East than some other writers. But when he comes to treat of the Syrian and Byzantine churches he still finds that the spherical pendentive which enabled the dome to be applied to rectangular spaces was a Byzantine invention. It is interesting in this connexion to observe that M. de Lasteyrie has been converted by Signor Rivoira's demonstration of the Italian origin of pendentives, examples of which from the end of the first century after Christ onwards (e.g. in the House of Augustus on the Palatine) are to be found at Rome and elsewhere. Again, we are told that the 'pulvino', or impost-block, is probably (on general grounds) a Byzantine invention, and that it is difficult to see why Signor Rivoira claims an Italian origin for it on the strength of its use in S. Giovanni Evangelista at Ravenna, which is only contemporary (425) with the more important church known as Eski-Djuma at Salonica, where

it is thoroughly developed (i. 52, 171). This ignores Signor Rivoira's point. The pulvins of S. Giovanni are the oldest surviving ones at Ravenna, but we know that they also existed in the (now destroyed) cathedral of Archbishop Ursus, which was built before the end of the fourth century. Sir Thomas (i. 148) places his episcopate in 400-12, but the modern authorities are agreed that he died in 396. And contemporary pulvins still exist in the old apse of S. Giorgio Maggiore at Naples, so that here we have two examples on Italian soil earlier than any that occur in the eastern empire. And if the pulvin is 'a Byzantine invention', how strange it is that at Constantinople itself it is only found in the underground cisterns of the sixth century.¹ We may also note that in ascribing a Ravennate origin to that form of apse which has a polygonal exterior Signor Rivoira has not 'forgotten the east end of the cathedral at Salonica' (i. 171), i. e. S. Sophia, which, as Sir Thomas agrees, was finished in 495. At least a century earlier, as Signor Rivoira is careful to point out, the form occurred in the cathedral of Ursus at Ravenna.

Generally speaking, the accounts of the churches of Ravenna, Salonica, and Constantinople, appear to be excellent. The statements about Rome, on the other hand, are less satisfactory. Language is used (i. 186) which might suggest to the unwary that St. Peter's was 'the metropolitan cathedral'. St. Paul's without the walls was not 're-built by the Italian government after 1870' (i. 187) but by Pio Nono, and it was re-dedicated in 1854. The thoroughly characteristic Italian well-head of the tenth century in the Lateran cloister, we are told, 'must have been brought from Constantinople or at all events from the Exarchate' (i. 189). S. Lorenzo fuori and S. Agnese are not the only churches at Rome with galleries over the aisles (i. 193). They also occur in the Santi Quattro. In writing about the mosaics in the Roman churches Sir Thomas has an outbreak of Byzantinism (i. 195). Least of all should he have mentioned those of S. Maria Maggiore in this connexion, for the finest work there has all the characteristics of imperial Roman art of the Constantinian epoch. In the reference to S. Maria Antiqua there is no suggestion of the different styles and periods to which the paintings belong, and the votive inscription of the *primicerius* Theodotus is given as if more had been discovered than was published in the first volume of the *Papers of the British School*. Perhaps there is a confusion with something Sir Thomas heard about the subsequent discovery of a substituted head in the figure of the donor. The chapters on Lombardy, Tuscany, and Venice call for no special notice.

The second volume opens with a chapter on German Romanesque, and then passes to an account of the French churches, perhaps the most complete and satisfactory part of the work. We notice that Sir Thomas Jackson still maintains De Verneilh's theory of the Byzantine origin of St. Front at Périgueux and the other domed churches in Aquitaine, a theory which has been abandoned by M. de Lasteyrie and so many others. We should have thought that the arguments of Mr. Phené Spiers on this subject were conclusive for most people. It would have been better to reproduce (as Signor Rivoira and M. de Lasteyrie do) the plan of St. Bénigne at

¹ Van Millingen, *Byzantine Churches in Constantinople*, p. 75

Dijon given by Dom Plancher (the name appears as Planchet on p. 119), who wrote when the church was intact, rather than the more conjectural one of Viollet-Le-Duc. The fragment of the old cathedral of Beauvais (the 'Basse-Œuvre') is dated at any time from the sixth to the ninth century. But we know that Bishop Hervé rebuilt his church, so that it must belong to the end of the tenth.

The last chapters are devoted to Saxon and Norman architecture in England. It is hardly necessary to say that, on the whole, they are adequately dealt with. But we notice that the Confessor's church at Westminster is described as having an ambulatory round the apse, a view which it is difficult to maintain after the publication of the researches of Dean Armitage Robinson and Professor Lethaby in *Archaeologia*, vol. lxii (1910), to which there is no allusion here. With regard to the much-discussed ribbed vaulting of the nave in Durham cathedral, Sir Thomas adheres to the later date, and would not put it before the second half of the twelfth century. With all deference to the work of a charming and competent draughtsman, we think that sketches are, nowadays, an inferior method of illustration for a book of this kind, as compared with photographs, which are used here by way of exception.

G. McN. RUSHFORTH.

Gregory the Great. By Sir HENRY H. HOWORTH, K.C.I.E. (London : Murray, 1912.)

The Birth of the English Church : Saint Augustine of Canterbury. By the same. (London : Murray, 1913.)

THESE works are difficult satisfactorily to characterize. There is in either volume a copious treatment of the relevant facts, a leisurely illustration with what a casual reader might judge irrelevant, but what proves to converge towards the author's deliberate aim, and a straightforward and honest disclaimer of original research, though the best scholarship of the age has been studied and followed. Sir Henry Howorth gives us, e.g., in the first volume a chapter on 'the condition and administration of the patrimony of St. Peter'. But though both works are intended for the general reader, there is no help from the writer's style to make the subject attractive. We have a plain, downright story or discussion, the interest of which must be in itself or in the reader's desire to learn something of this period. For such a reader an attempt is made to provide in footnotes the materials for checking the statements in the text at once or by reference to original studies, but it is in respect to this that our first complaint must be made. The Latin quotations are so abominably misprinted that they either make it necessary to refer oneself to the authority or annoy by their obvious fatuity. To take a random instance from scores, on p. 256 of the first volume we read of 'Bishop Leander', whom he styles 'dudum mihi in amicitiiis familiari ter iunctis'. On p. 186 of the second we have 'a few small bones (*quisbusdam assiculis*)', because this word occurred on p. 184. These are innocent examples, since nothing turns on their correctness, but in other places there are misprints which affect the point or soundness of an argument. Thus in the introduction to *Gregory the Great*, p. xxix, we have in the middle of an intricate discussion of the authenticity of

certain letters ascribed to the pope, where their dating is an important link in the argument, 'the sixteenth indiction,' where it is clear from the footnote that 'the sixth' is intended. It must be said indeed, in fairness to Sir Henry, that he expressly states that he is indebted to others for the reading of his proofs, but it remains that these misprints are a very unfortunate blemish upon the work.

There are, however, other defects for which the author must be held responsible. He very properly calls attention to the disastrous effect intellectually upon Western Christianity of St. Gregory, in whom practical experience of administration was united with the most meagre philosophic equipment, and piety was not balanced by knowledge, and in his second volume he appreciates rightly the consequences of the Islamic advance. But occasionally there shows itself a naïve misapprehension of metaphysical statements; Sir Henry, e.g., speaks of St. Augustine's 'intolerable paradox' because, like Gregory himself, he does not understand how it is that Augustine insists that God is the originating cause of all good. He is dissatisfied because 'men were often dubbed saints without having had any official appointment', and he regrets the way in which theology has developed, regarding the tenets of the Greeks as achieved by 'a very unsafe and dangerous deductive method', adding that 'the process really began with St. Paul, who was a Greek in mind and thought'. This is not the place to follow the author into his discussion of the Monophysites and Monothelites—though it should be pointed out that he does not even know that 'Perfect Man' in the Creed means 'truly human' (p. 376), and (p. 220) speaks of 'the continued separate existence of two persons' in our Lord; but it may be said that whereas the Greek spirit was that of free thought, working upon the historical facts, with Conciliar pronouncements that such or such a theory must be rejected because it conflicted at some point with some fact attested by the earliest traditions, Sir Henry shows the same defect as Gregory, his subject—dogma for him is 'the product of Faith'. He denounces 'the continual effort of the orthodox . . . to insist upon all men *with their lips* declaring that they accept an alleged deduction from some particular dogmatic definition', yet while declaring that 'the Union of God and man . . . is not *thinkable*' he would have us 'accept the simple words as a phrase or a definition, untranslatable to our minds, and to give our assent to them by Faith without pretending to form a mental picture of what they mean'. The entire work suffers, indeed, from the lack of a wider sweep, which should set the East and the West in their proper positions. The author has some idea of the vital importance of this, and rightly dwells upon the relative order of the patriarchates, but the conception is still external to much of his thought; it has not yet bitten its way into the tissue of his mentality. But we should be doing injustice if we left this as the sum of our impressions. We have here, as we have said, no firsthand and original study, nor a complete and faultless and four-square history; but still it is readable, it is painstaking, it is informing, and, in spite of an occasional betrayal of bias, it is a valuable endeavour to envisage for those who will have it, the life, the work, and the character of Gregory and his missionary Augustine. This makes the reader feel more poignantly the regrettableness of the lapses from what might have been.

It is hopeless to tabulate the misprints to which we have referred, but we may indicate one or two deficiencies more easy to discuss. In vol. i, p. 126, unless there is some misprint, a letter referring to Maurice is made to refer to Phocas. In the second volume it would have been a help to the reader if he could have had an exact journal of Augustine's movements through Gaul on his way to England. The slip made by Mr. Plummer¹ should have been corrected: Deusdedit was probably elected 12 March (not December 654), and consecrated 26 March 655. May not the explanation of Laurence's irregular consecration and of the subsequent absence of the *pallium* be found in the view that St. Augustine, near death, and perhaps in his dotage, was influenced to override Gregory's deliberate design of placing the metropolitical seat in London? This supersession of Mellitus' rights probably led to his visit to Rome, when Bede (ii. 4) declares he was at a synod. The character of the letter he carried back to Laurence may be guessed and probably accounts for its disappearance. This would agree with our author's sound and sagacious remark that 'if Mellitus had visited Rome at this time . . . it must have been on some very critical business', though it will not be 'strange that he did not return with a pall for Laurence'. It is supported by the statement, vouched for by three authorities, though Stubbs² questions it, that Mellitus received a pall. This solution, sordid and unedifying though it be, seems best to co-ordinate all the evidence now accessible. That Mellitus, nevertheless, consecrated no bishops is due perhaps to the fact that the pall was not sent till the trouble was ended by Laurence's death, and it was clear that even then Mellitus could not establish his metropolitical seat in London. As a result, he died before acting. This solution may help to reconcile us to the tradition, rejected by Sir Henry Howorth,³ that two distinct Bonifaces were popes successively between 606 and 615. It is, however, tempting to identify the synod recorded in the *Liber Pontificalis* to have been held by Boniface III with the one which Bede assigns to Boniface IV. According to the *Liber Pontificalis* the synod prohibited under anathema the appointment of any bishop to a see until at least three days after his predecessor's death. This reads like a direct censure of Laurence, and would admirably suit the situation in 610, if it has been properly elucidated above. Space will only allow one or two more brief suggestions. Probably it was the death of Liudhard (p. 42) which led to the Anglian people asking for missionaries (p. 14). Some inartistic repetitions need to be removed, e.g. both Gibbon's and Professor Bury's account of the plague are given (pp. 346, 350). On p. 90 'Thorn' is given as the authority for a statement, pp. 67-8, 'a late and quite unreliable writer.' T. NICKLIN.

La Vie de Saint Samson; Essai de Critique hagiographique. Par ROBERT FAWTIER. (Paris: Champion, 1912.)

THIS is a scholarly reprint of the oldest extant life of St. Samson, published by Mabillon (*Acta SS. Ordinis S. Benedicti*, Saec. i, 1st edition, pp. 165-85)

¹ Bede, *Eccles. Hist.* ii. 175.

² *Dict. of Christ. Biogr.* iii. 901.

³ *Augustine*, pp. 203-6.

and by the Bollandists (*Acta SS.*, Iulii, vi. 573-91). The manuscript (A) is carefully reproduced with certain modifications mentioned on p. 90 not usually adopted by English scholars, and collated with no less than nineteen other manuscripts enumerated on p. 92. The collation appears to be very minute and complete, many of the *variae lectiones* being simply due to the ignorance or carelessness of the scribes. Whether so late a hagiological manuscript deserves such detailed treatment may be a matter for question. Mr. Plummer treated still later manuscripts of the same kind in an equally complete manner in his splendid *Vitae Sanctorum Hiberniae*, but then he had not so many manuscripts to deal with. A is an eleventh-century manuscript now in the municipal library at Metz, but originally belonging to the monastery of St. Arnould in that city; but the life was first written, or claims to have been written, and, if internal evidence is accepted, must have been written, c. 610-15. That evidence is contained in the Prologue, §§ 1 and 2. Monseigneur Duchesne accepted it somewhat timidly. He says :

Elle ne peut être antérieure au *viii*^e siècle, car l'auteur connaît les homélies de Saint Grégoire le Grand, ni postérieure à la fondation de la métropole de Dol sous Nominœ ; j'inclinerais pour une date assez rapprochée du commencement de cet intervalle : cette conclusion s'imposerait tout-à-fait s'il était sûr que le vénérable octogénaire dont il est question dans le prologue eût été vraiment le neveu lui-même de Saint Samson.

M. Fawtier, however, treats these statements in the prologue as a fabrication, and would assign the composition of the life to a much later date (p. 76). But there is nothing in the *Vita* itself which necessitates a date later than the early seventh century. How early grotesque stories and fables may be found in the lives of saints we know from the *Acta Apostolorum Apocrypha*.

A *résumé* of the facts of St. Samson's life is given in Sir Thomas Duffus Hardy's *Descriptive Catalogue*, i. 142, and in many other places, and need not be repeated here. There is no allusion in A to the archbishoprics of Menevia and York, the inventions of writers like Geoffrey of Monmouth and Giraldus Cambrensis for party purposes in later times. In an excellent introduction, in seven compartments, Fawtier discusses with weight and ability many points of interest. Of special value are his identifications, or attempted identifications of place-names in the text such as 'Docco' (p. 59); 'pagus Ricurius' (p. 60); 'Insula Pironis' (p. 43), which he refuses to identify with Caldey Island, pointing out that *Insula* may mean an isolated monastery, as well as an island in the geographical sense of that word. Among sidelights on Celtic worship and ritual we notice references to the Sunday eucharist (p. 137), and to the curious custom—'secundum morem antiquitus traditum'—of always consecrating three bishops at the same time (p. 139). F. E. WARREN.

Les Origines du Servage en France. Par PAUL ALLARD. (Paris : Lécoffre, 1913.)

SERFDOM, says M. Allard, was the colonate of slaves; the colonate was the serfdom of freemen. A law of Constantine forbade the alienation of land without the *coloni* settled upon it; a law of Valentian forbade the sale

of rural slaves apart from the land cultivated by them, and this law placed a very large class of servile condition in a position apart from their fellows, in a grade intermediary between the slaves and the *coloni*. The barbarian invasions largely increased the demand for slaves and the supply, and an edict of Theodoric expressly permitted the free sale of rural as well as of urban slaves. But within the limits of the unfree class a new privileged class soon arose—the *servi* of the fisc and of the church, who possessed a double or treble *vergild*. In detailing the privileges of the *servi fiscali* M. Allard seems to draw some rather hazardous conclusions from the authorities he quotes, as e.g. on p. 76 his assertion that the serf of the fisc could plead against his master from § 29 of the capitulary *de villis*, though § 57 (which is elsewhere quoted as § 59) contemplates *servi nostri* complaining at the palace of *suum magistrum*, but only *de causa nostra*. What the relation of the *magister* to the *servi fiscali* was it is difficult to say; apparently he was one of the estate overseers, and not in any sense the serf's lord. Again, on the same page: 'avec l'autorisation du roi, ils peuvent aliéner leurs immeubles et affranchir leurs propres *mancipia*,' is based upon *Lex Visigothorum*, vii. 7, 16 (which should be v. 7, 16). But the law only permits such authorized sales of land by serfs to other *servi* of the fisc, which is obviously a much-restricted right of alienation. The cultivation of waste lands by the monasteries had an immense influence in spreading the serfdom of the glebe. St. Gregory the Great set an example by buying many slaves and settling them upon the great church estates in Sicily. Flodoard mentions seven bishops of Reims in succession from 560 to 794 who carried out the same plan, while of many others he states that they established *coloni*, carefully distinguishing the two grades. *Villas dispositis ordinare coloniis* is Flodoard's usual phrase, while of Ebo he says that he made an inventory *per strenuos viros* of the *coloni* and their services. The serfs of the church had indubitable advantages. Church lands were inalienable and the serfs gained stability of domicile, from which sprang a customary right of inheritance. As the church lived by Roman law the principle of Valentinian's law, which had been overruled by the barbarians, remained in force for the serfs. The Council of Eause, A.D. 551, enunciated an ideal which, so far as we can judge, was generally observed: *familiae Dei leviores quam privatorum servi opere teneantur*. The first approach towards giving the serf the privilege of defined and certain labour was made; the laws of the Alamanni and Bavarians fix the tribute of the *servi ecclesiae* at three days' labour a week on the domain, while there are many instances of bequests of land to the church which fix the actual services to be rendered by the serfs cultivating the land. By the will of Aredius, A.D. 573, the serfs on land bequeathed were each to cultivate four arpenti of vines for the convent, but were to continue to possess, no one having the right to disturb them, their own small fields and vines.

Arguing against the theory that the inalienability of church property made the enfranchisement of church serfs almost an impossibility, M. Allard quotes the testaments of many bishops directing that several of their own serfs should be enfranchised, the canons of two councils (Agde in 506 and Orleans in 541) asserting the legitimacy of such enfranchisement

in a reasonable number of cases, and a formula of the eighth century (Bituricensis, 8) in which a bishop uses the words *cum consensu fratrum civiumque nostrorum . . . convenit, ut omnes servientes ecclesiae nostrae decimare deberemus*. The Visigothic church adopted the principle that a bishop could only enfranchise serfs if he enriched his church by wealth equal in value to the serfs. These instances are in their nature exceptional, and hardly seem to countervail the general fact that on the estates of the church the necessities of cultivation must have kept the bulk of the peasantry within the ranks of serfdom from generation to generation. There are, moreover, indications, especially in lviii. 1 of the *Lex Ripuaria*, of which M. Allard only quotes the later text, that the church kept an unusually tight hold on her freedmen. No one was to presume to give the *tabularius* the wider freedom of the *denarius*. Any one taking the *homo ecclesiasticus* out of the *mundeburd* of the bishop must pay 60 *solidi* and restore the man, and even if the freedman has been taken away his descendants must return to the *mundeburd* of the king or the church. It was probably true that the protection of the church was in the Frankish period the most valuable that a freedman could possess, but it was also the most perpetual. An essential element of that protection was that the freedman was justiciable only in the *mallus* of the church, or, as the edict of Lothair II, in 614, says, before a tribunal composed of the *praepositus ecclesiae* or the bishop himself. All this portion of M. Allard's book requires to be compared with the texts quoted in M. Flach's chapter on 'la protection de l'église',¹ where it is shown that the condition of the church's freedmen was assimilated to that of serfs, while it is admitted that the church generally treated her serfs better than lay lords did.

The rules regulating the *beneficia* of Carolingian times, based in part upon the Roman law of usufruct, treat the serfs of the fiscal estates as part of the 'substance' which must not be allowed to deteriorate. Charlemagne directs his *missi* to record the number of *homines casati* in each benefice, and the Roman distinction between rural and urban slaves is clearly revived in the *Carta Divisionis* of 806, which distinguishes the *servi qui iam casati sunt* from the *mancipii non casati* who are included in his *speciebus quae proprie ad negotiatores pertinere noscuntur*. The capitulary *de villis* shows freemen and unfree living side by side among the men of the domain, but makes no mention of *coloni*. M. Allard thinks that this shows 'une tendance au nivellement des conditions parmi les populations rurales, qui me paraît ressortir de l'ensemble des documents du ix^e siècle'. He surmises that the numerous artisans mentioned in the same capitulary, of whose free or unfree condition nothing is said, may be *tributarii* or *lidi*. M. Allard has an interesting chapter on that inexhaustible mine the *Polyptychum Irminonis*. He is too absolute in saying 'les manses ingénues et lideles supportent seules l'impôt de guerre'. In the very section to which he refers (xiii. 64) we read *Autlemarus servus . . . tenet dimidium mansum servilem . . . solvit ad hostem multonem I*. The relaxation of the old marriage law *ad inferiorem partem vadit origo* led to a remarkable diminution in the number of *servi* on the church estates. A large majority of the recorded marriages are those of *servus* with *colona*

¹ *Origines*, i. 453

or *servus* with *lida*, and in general the condition of children was regulated more after that of their mother than after that of their father. 'Ce n'est pas encore l'évasion complète de la condition servile, mais c'est la fissure par laquelle on en sort peu à peu.' It is worthy of note that in most cases the labour and dues of *coloni* and *servi* are fixed, and that the inventory of many villas is attested by sworn tenants of all classes. M. Allard paints a glowing picture of the advantages enjoyed, among which he reckons that of owning land in full property. It is difficult, however, to believe that Marculf, ii. 36, though it is often so used, is a proof that a serf could own land absolutely even earlier than the eighth century. *Servus* only occurs in the rubric, *Servo aut gasindo nostro*, the formula is addressed *fidei nostro illo*, and it seems probable that if land were granted to a serf or slave in full ownership, with power to sell as he pleased, it would only be after his enfranchisement. M. Allard believes that in the ninth century slavery properly so called had disappeared from monastic estates.

Other means by which the servile class was diminished in the early ninth century, which M. Allard describes as a golden age of the serf, were the spread of education and particularly the entry of serfs into clerical orders. On both these topics M. Allard writes interesting and illuminating chapters. He shows how lay lords frequently preferred those who had been their own men as priests of their private churches, and how the rise of one ex-serf to high office led to the enfranchisement and enrichment of many of his kin. The most dramatic instance was the case of Ebo, son of goat-keepers, who rose to be archbishop of Reims and to preside at the trial of the Emperor Louis the Pious. By the most enlightened churchmen of the century, Jonas of Orleans, Agobard of Lyons, Smaragdus, abbot of St. Mihiel, something like the modern doctrine of equality was preached, and although the Norman invasions and imperial weakness broke up the new order of Charlemagne the impulses of his age did not remain unfruitful. 'Pendant que les contrées germaniques resteront longtemps encore des pays de servage, la France, malgré tout demeurée ou redevenue latine, sera de plus en plus une terre de liberté.' To M. Allard, who has studied slavery so long, serfdom appears as above all an achievement in the struggle for freedom; his next book, which will be anticipated with pleasure, will deal with the infinite complexities of villenage, and serfdom will be seen from its other side. The present essay is an admirable and luminous survey, written with some bias in favour of the church, but with full references to a wide range of sources and authorities. Unfortunately rather a large number of the references are given with slight but irritating inaccuracy.

WALFORD D. GREEN.

Les Origines de l'Influence française en Allemagne. Tome i: *L'Offensive politique et sociale de la France.* Par LOUIS REYNAUD. (Paris: Champion, 1913.)

Dr. REYNAUD maintains that the Germans in the early middle ages were wholly dependent for their advance in civilization on their French-speaking neighbours. It was in France that chivalry and complete feudal institutions took shape; the movement for church reform which

culminated with Gregory VII took its first rise among French-speaking men : so did the outburst of vernacular literature, the *Chansons de Geste* and the romances. Germany, on the other hand, remained entrenched in the Carolingian tradition, conservative in institutions, decadent in religion, unprogressive in manners. It needed the influence of the French movements and the blows dealt the imperial system under the last Salians to set her again on the path of progress. Dr. Reynaud is right in emphasizing the leading part played by the French-speaking lands, and in linking feudal institutions, church reform, and vernacular literature as three aspects of a vast civilizing energy. But he does not allow for any native growth or change in Germany at all ; he disregards the existence of conservative forces in France, and he is far too much inclined to see an earlier French revolution taking place. For him France is one and indivisible, and Langue d'oïl, and Langue d'oc, Normans at home and abroad, Burgundians and Aquitanians, Lorrainers and Walloons under the empire, are all moved by identical ideals and aims. One would often think from his words, although he is more guarded in his later chapters, that there was a kind of national purpose steadfastly pursued by all these, a purpose which was idealistic contrasted with the barbaric materialism of the Germans, 'terriblement enfoncés dans la matière.' Even in prehistoric times, he tells us, the Germans obtained the very rudiments of civilization from the Kelts in their pristine transrhene home, and he identifies these Kelts straight off with the modern French. Seen in his fashion, the survival of social order, and the strength of the idea of the state and of monarchical power in the Germany of Otto I and Henry III, are evidences of barbarism and decline ; and the strength of anarchic tendencies in France was not only a necessary condition for new growth by breaking the too hard shell of ancient tradition, but it had a sort of nobility in itself. Dealing with his subject in this fashion, Dr. Reynaud disregards many facts. We should not guess from his pages that the Gregorian campaign against simony and lay nomination to bishoprics found as bitter opposition in France as in German-speaking Germany, or that the attempt at least to control the petty barons on the part of the public powers, the king and his great vassals, lived on in France as in Germany. Nor should we guess that the Lorrainers, being inclined to reformed monasticism, being considerably feudalized and partly French-speaking, should all the same have been a stronghold of the Emperor Henry IV against rebels and Gregorians, when once their disloyal duke, Godfrey the Bearded, was dead. By his thesis, of course, they should have headed the opposition to the emperor. In short, the author equates far too absolutely the religious movement, which itself embraced various opinions and objects and also changed with the times, with one too emphasized national temperament and language ; and he disregards the constantly varied grades of social divergence and political institutions from the Elbe to the Pyrenees.

Dr. Reynaud is out of date in matters of vital importance. He reproduces, to give one instance, the Cluniac legend in its extreme form. It was that great abbey, he says, which devised Gregorian church reform, as a full-grown Minerva ; the Lorraine monasteries were merely its colonies ; Cluny invented peace and truce of God, shattered the empire under Henry IV,

won a complete victory at Worms in 1122, captured the new French culture and literature and imparted it to Germany. We the more regret this neglect of the results of the more modern historical work, and the author's patriotic bias and exaggeration, because of the considerable amount of insight displayed in his thesis, and because of a reading of early medieval history which in a less extreme form has something to be said in its favour.

C. W. PREVITÉ ORTON.

The Medieval Church in Scotland ; its Constitution, Organization, and Law.

By the Right Rev. JOHN DOWDEN, D.D., LL.D., Bishop of Edinburgh. (Glasgow : MacLehose, 1910.)

The Bishops of Scotland ; being Notes on the Lives of all the Bishops, under each of the Sees, prior to the Reformation. By the late Right Rev. JOHN DOWDEN, D.D., LL.D., Bishop of Edinburgh. Edited by J. MAITLAND THOMSON, LL.D. (Glasgow : MacLehose, 1912.)

THESE two volumes may be described as a legacy of their author to students of Scottish ecclesiastical history. The first, which is a revision and expansion of the Rhind lectures delivered in 1901 to the Society of Antiquaries of Scotland, was completed shortly before the bishop's death. The second consists of material which he had collected and in part published at different times in various periodicals, but which had not been brought together in book form, and had not been revised by the author with a view to its issue in its present shape. It thus required a larger amount of editorial work than its companion, and it has been fortunate in finding an editor so well qualified for the task as Dr. Maitland Thomson.

Each of the two works may be regarded (though the bishop himself would probably not have so described either of them) as an attempt to do afresh, in the light of recent research, and with the aid of the large material supplied by recently-published documents, what had been already done by earlier writers in the same field. The notes on the Scottish bishops, while they were not intended to supersede, but to supplement, the *Catalogue* of Bishop Robert Keith, might have taken the form of a new edition of Keith's work, more complete and satisfactory than that published by Bishop Michael Russell in 1824. The Rhind lectures, again, while not intended to supersede the work done by Professor Cosmo Innes in his *Lectures* and *Sketches*, fulfil the same purpose which those earlier works were designed to serve, and cover in part the same ground. They show, with a greater wealth of illustration, and with more certain knowledge of facts than it was possible to bring to bear on the subject when Professor Innes wrote, the working of the medieval system of church organization and of the canon law in the kingdom of Scotland. The same subject, in certain branches, is illustrated also by details contained in the companion volume, which, though it is in the main a work to be referred to for biography and chronology, is very far from being a mere list of names and dates, and will be found valuable, if not indispensable, by students of Scottish pre-reformation history. The *Medieval Church in Scotland* has a claim on a wider circle of students, since the light which it gives on the practical working of the medieval system in Scotland is of value for

other countries also. But it is of course of special value for Scottish history, and for the understanding of the conditions which preceded the sudden and complete ruin that befell the Scottish church in the upheaval of the sixteenth century. It is unfortunate that a few slips, which the author would himself have doubtless corrected if his proof-sheets had had the advantage of his own careful revision, have escaped the vigilance of those to whom the work of reading the book for the press has been entrusted. He would hardly have been satisfied with a statement that Gregory IX confirmed in 1249 a grant made to the abbey of Lindores; and the necessary correction would probably have led him to refer anew to his own edition of the Lindores cartulary, and to see that the evidence which it supplies does not really suggest that it was only in 1249 or 1250 that the 'Keledei' of Brechin ceased to be known by that name and began to be designated as 'canons'. Nor would he have been likely to leave uncorrected the description of Saher de Quency as earl of Winton, though that title may have seemed more familiar and more likely to occur in Scotland than that which really belonged to the person in question. But such slips are infrequent, and generally of slight moment. They can hardly be said at all to detract from the real value of the book, either as a work of historical importance or as a memorial of a diligent and careful scholar, worthy to be ranked—and he would have desired no higher praise—with Innes and Grub and Joseph Robertson among the workers in the field of Scottish history.

H. A. WILSON.

Calendar of Fine Rolls. Vol. ii. 1307–19; vol. iii. 1319–27. (London: H.M. Stationery Office, 1912.)

THE publication, within a year of the issue of the first, of the second and third volumes¹ of the new *Calendar of Fine Rolls* speaks well for the promptness and dispatch of the experts who work under the direction of the Deputy-Keeper of the Public Records. It is one sign of the growing importance of this series of chancery rolls that, whereas a single volume contained the calendar of the thirty-five rolls of the reign of Edward I, two volumes have been found necessary for the twenty rolls of the shorter reign of Edward II. No doubt part of this increase in bulk is due to that general tendency towards greater prolixity and elaborateness in records which, as is well known, swells all the chancery and exchequer rolls of the fourteenth century to dimensions unknown in the thirteenth. But in the case of the *Fine Rolls* there is also this particular reason, that the custom gradually arose in the chancery of this period of enrolling in the *Fine Rolls* certain groups of royal acts, which normally might have been expected to be recorded in the Patent or even the Close Roll of the year. The principles underlying this further differentiation of the chancery records of the fourteenth century were no doubt largely those of practical convenience, though it would have been well if Mr. Bland, the careful and learned editor of this calendar, had had the opportunity of explaining to us what his experience suggests to have been the lines upon which the differentiation was effected. One thing is certain, however, that

¹ See *ante*, xxvii. 188–9.

for the reign of Edward II we have to seek in the Fine Rolls the record of a large number of official appointments, such as, notably, those of the sheriffs, the escheators, the justices of the forests, the justices and other officials of Cheshire and Wales, the keepers of castles and manors, and a swarm of other public functionaries. Unluckily, with the usual medieval indifference to system, the registration of an occasional appointment of these types in the Patent Roll makes it desirable that those who seek for a complete list should consult the other available calendars before they can feel sure that they have collected all the possible information. Thus, though the appointment of Robert Fitz Pain, as keeper of the forest south of Trent, is recorded in the normal way in the Fine Roll, his surrender of office on 14 June 1312, and the reappointment of his predecessor, the elder Despenser, on the same day, have to be sought out in the Patent Roll. However, there can be no doubt of the importance of the historical information contained in the Fine Rolls of the fourteenth century, and historians of that period may well feel grateful to the Deputy-Keeper for his latest calendar.

Of the extreme fidelity with which the calendar has been executed by Mr. Black I can speak in the warmest terms. I have been at the pains to compare various sections of the calendar with the original rolls, and have noted no errors or misunderstandings of the text which are worth setting down here. Perhaps the most lively impression derived from the comparison of the calendar with the rolls is one of regret for the large sections of the rolls which have not been calendared at all. It was by deliberate policy that the 'payments for writs', which, with the *grossi fines*, doubtless gave the Fine Rolls their name, have been excluded from the calendar, and no one would deny that most of the omissions are of no great historical moment. But these calendars are being made for posterity as well as for ourselves; it is very hard to know what the next generation will consider to be important; and there is much to be said in favour of making every calendar record, however briefly, *all* that is in the roll, and not only those portions of it which seem to us most important. Anyhow, those who use the calendar only may well wonder why the series should be called 'Fine Rolls', seeing there are so few records of fines in them. Similarly, some inconvenience may well arise from the omission of the names of witnesses in the parallel calendar of Charter Rolls.

Mr. Bland's indexes are nearly as good as his texts, and represent a high level of scholarship and accuracy. The policy of avoiding all notes to the text throws great editorial responsibility on the compiler of the index, and Mr. Bland has well risen to his opportunities. For instance, he has, following the good example of Mr. Handcock, the editor of the Patent Roll calendar, identified the 'Leek' where the chancery was in August 1318 and other times, and where the 'treaty of Leek' was sealed, with East Leake in Nottinghamshire, and not with the Staffordshire Leek, accepted by the historians, or with the Yorkshire Leake accepted by the calendarer of the Close Rolls. There is no doubt at all of the correctness of the identification of Mr. Bland and Mr. Handcock. On the other hand, Mr. Bland's subject index still sometimes leaves a little to seek. It is

inconvenient perhaps to have to go to 'Edward II, Bench of, Justices of', to find a reference to the justices *coram rege*, but where have we to go to find the 'common bench' save to the names of individual justices concerned, such as William de Bereford? That the house of Arundel should be indexed under 'Alan, son of', is the fault of the system on which the index-maker is working, but it is regrettable that, as new calendars are started, the opportunity is not taken to revise the rules under which the indexing of personal and place-names are drawn up. And in volume ii it is a pity that the wholesale re-appointment of sheriffs in 1314 and 1318, a change of great political importance, should find no place in the index. Essentially, however, the index is sound and helpful.

T. F. TOUR.

York Memorandum Book. Part i: 1376-1419. Surtees Society, vol. cxx. (Durham: Andrews, 1912.)

THE manuscript from which this volume has been printed is described in its opening words as 'a book of diverse memoranda concerning the city of York'. Miss Maud Sellers, who has edited it with the care and thoroughness which might be expected, compares it aptly for its form and varied contents to the contemporary London Letter-Book H. In her learned introduction she shows that it is similarly valuable for the illustration of civic constitutional history. The resemblance is not purely accidental, for both these records do but reflect the momentous change that was taking place in social and municipal life, and deal in their essence with the same problem. Some of the earlier documents in the *York Memorandum Book* throw a valuable light on the constitution of the city, under which it was governed by the mayor with the constant help of the twelve and the twenty-four, with the occasional help of the forty-eight. By a careful analysis of the lists contained in these documents Miss Sellers shows that the mercers predominate in the twelve, the mercantile crafts in the twenty-four, and the manufacturing crafts in the forty-eight. It is clear, however, that the distinction between the three bodies was one of office, not trade; and few of the forty-eight had held any qualifying office. Whether the forty-eight owed their position to election does not appear. Nevertheless, as the editor observes, it is significant that the only full official list of the ruling council in the fourteenth century should present us with so representative an assembly. Much of the volume, as might be expected, is concerned with gild regulations. With these the editor has dealt luminously, showing from them the great importance of the textile industry in medieval York, where out of a total population of about 12,000, five of the seven textile gilds furnish a list of 325 masters. The metal-working gilds, though more numerous, were of much less importance. The ordinances for the small gild of founders raise a difficult point. They are said to have been passed in the fourteenth year of a king whose name is illegible; as they are endorsed by the mayor and sheriffs, they should be later than 1397, since there were no sheriffs before that date. Miss Sellers hesitates to accept 14 Henry IV (1412-13), since, as two of the five masters took their freedom in 1360, they must have been men of seventy, 'an unusual age, for in the fourteenth century septuagenarians.

were not common.' But longevity in the middle ages was less rare than is here suggested (there are some good enough instances on p. 84 of this volume), and it does not seem safe on such a ground to reject 14 Henry IV in favour of the still more difficult date 14 Richard II, as the editor does definitely in the footnote on p. 106. There are many other matters of interest which are dealt with sufficiently in the introduction. It is worth noticing that the earliest English document is dated 1417; there is no other till 1431, after which they gradually become common. Besides a full index there is a useful glossary; 'Stulpes' would, however, be better illustrated by a reference to the original London Chronicles than by the quotations of them in Fabyan and Hall. In the first footnote on p. xxxix the reference to pp. 86, 87 is a misprint for pp. 106, 107.

C. L. KINGSFORD.

Les Dénombrements de Foyer en Brabant (XIV^e-XVI^e Siècle). (Brussels, 1912.)

UNDER this title the Historical Commission of the Royal Academy of Belgium has published the main records dealing with the assessment of the hearth tax from 1437 to 1526. The documents are edited by the Belgian archivist-general, M. Joseph Cuvelier, who furnishes also a full, lucid, and scholarly introduction. The special incentives to the use of the comparative method afforded by Belgian history have found due response in the writings of Professor Henri Pirenne, which exhibit a fruitful blend of the best traditions of French and German historical scholarship; and it is to M. Pirenne as secretary of the Historical Commission that M. Cuvelier's work owes its initiation. We are not, therefore, surprised to find that the introductory essay, which occupies a third of the large volume, sets out from a careful survey of the recent progress of historical demography in France, Germany, Switzerland, and elsewhere, and that it constitutes in itself a valuable contribution to the further progress of the story on comparative lines. At the outset M. Cuvelier discusses the use of the term *feu* which, it appears, tended to become in Languedoc a merely fiscal entity, whilst in Languedoil, and especially in Brabant, it continued to represent an actually enumerated hearth or house, so that the *fouage* or hearth-tax lists of the fifteenth century afford a solid basis for an estimate of the population. It should, however, be added that the tax, introduced by the duke of Brabant in 1437 from his Burgundian territory, was not, strictly speaking, a hearth tax in its incidence. When the hearth had been enumerated, each town or village met the tax collectively by paying so much per hearth, and then assessed its own inhabitants in proportion to their means. A rich city like Brussels or Antwerp paid in 1437 18 sols a hearth, a poor village paid 8½ sols, and there were four intermediate rates. An exemption of 10 per cent. of town hearths and of 20 per cent. of village hearths was allowed so as to meet the case of the poor. Since complete enumerations are preserved for each of the years 1437, 1464, 1472, 1480, 1486, and 1526, it is possible to construct from them a trustworthy and continuous statistical basis for the economic and social history of the duchy throughout a most eventful century. We can thus not only follow from decade to decade the decline of Louvain, the temporary rise of Brussels,

and the phenomenal growth of Antwerp, but what is still more instructive, we can compare the relative condition of town and country in different parts of the duchy and at different periods. The country population as a whole bore about the same relation to the town population in 1526 as in 1437, i.e. the relation of two-thirds to one-third. But whilst in the interval the town population as a whole remained fairly constant, the village population declined rapidly after the accession of Charles the Bold, and recovered equally rapidly after the accession of Philip the Fair.

When studied in detail the figures will furnish a mine of evidence as to the all-important industrial transition which was effected just at this period. A few leading results may be stated. The number of inhabited houses in the whole of the duchy was 92,738 in 1437, and 97,013 in 1526. The increase had taken place wholly in the Antwerp division, which had grown from 28,337 houses to 37,532, the city itself having increased from 3,440 houses to 8,479. As to the number of persons for each house, the likeliest estimates vary between four and five. In the enumeration of 1526 a distinction is made for the first time between houses containing one household and those containing two or more. Houses with two households numbered 249 in Antwerp, 96 in Brussels, and 116 in Louvain. Only twenty-six houses in all three cities had more than two households. An excellent map accompanies the volume.

G. UNWIN.

The Agrarian Problem in the Sixteenth Century. By R. H. TAWNEY.
(London: Longmans, 1912.)

MR. TAWNEY brings to the discussion of the problem a discriminating knowledge of contemporary printed sources and of the modern results of Leadam, Gay, Savine, Gonner, and others, a style that always holds the attention and a solid contribution from the documents—mainly from the surveys of the Tudor age and the early seventeenth century. Not many of these are in print, so his fresh materials from the Record Office, the Holkham muniments, All Souls and Merton Colleges, and elsewhere—with the beautiful All Souls estate maps that he reproduces—are particularly acceptable. There must be abundance of similar material waiting inspection. Where so little has yet been inspected, and in view of the excellent use that Mr. Tawney makes of his materials, it is a pity that he has overlooked the systematic description of a group of this class of documents given by Mr. W. J. Corbett in his paper on 'Elizabethan Village Surveys', read to the Royal Historical Society in 1897. Fortunately Mr. Corbett's conclusions, based on the evidence of twenty complete or partial surveys of King's College estates, mainly in Norfolk, do not clash with those of Mr. Tawney, and it is interesting to place his map of Horstead—a reconstruction, not a reproduction—beside the All Souls maps of Edgware or Crendon. Mr. Corbett also printed documents relating to a case of enclosure by agreement, in 1598, very relevant to Mr. Tawney's theme. Following the example of Mr. Page, and other recent writers on manorial history, Mr. Tawney has tabulated some of his results—as to size of holdings, types of holders, proportions of arable to pasture, and so on. He has done so with some diffidence, and calls attention to the rather narrow basis

of his arithmetic: but such carefully guarded quantitative treatment needs no apology. Together with the maps, it gives the whole discussion a concrete character of immense value, and takes us a step forward towards reality. On the legal side, and in dealing with some problems of monastic landownership, Mr. Tawney follows the results of Dr. Savine, but makes his own contributions throughout. His discussion of the position of the various types of customary tenant is particularly valuable, and he brings out the importance and precarious position of the large body of customary tenants without copy. He is always alive to the complexity of the agrarian and legal problems in hand, to the fact, for instance, that a tenant 'might be freeholder, copyholder, and leaseholder in one' (p. 282), and to the marked social differences between northern and southern England. He agrees broadly with Professor Gay's estimate of the area enclosed in the sixteenth century; but notes the formidable nature of even a relatively small disturbance in a stable society.

It is impossible to follow or criticize the argument in detail. Some significant results or expressions of opinion may be noted. In the tables tenants 'who have only cottages form less than one-tenth of the whole number' (p. 99). Customary tenants of sorts form about two-thirds; though there are marked local variations, some districts, e.g. East Anglia, abounding in the true freeholding yeoman. Many copyholders were men of substance; there was much traffic in customary land, and no little consolidation of peasant holdings before the Tudor age (pp. 72 *seqq.*, 57 *seqq.*). The customary tenant himself might enclose—this Mr. Leadam pointed out in connexion with the inquiry of 1517—and such tenants, at any rate in the south and east, were often 'sheep farmers on a considerable scale' (p. 171). There is no reason to think that the freeholder suffered at all, in average circumstances; rather the reverse (p. 10 and elsewhere). It is argued—after Maitland and others—that, as a result of the relative permanence of customary payments, 'unearned increment' was passing to the customary tenants in the fifteenth century; and that the levying of heavy fines and the attempts to turn customary tenure into leasehold in the sixteenth century were the landlord's measures of self-defence as prices rose. The freeholder retained his increment and prospered. Meanwhile the larger leaseholding farmers extended their operations from demesne to village meadow, pasture, waste, and perhaps old customary arable. They were the agents of enclosure (p. 217), but they were not all graziers, *pace* the literary evidence.

The book touches on every aspect of the problem and adds something to the discussion of nearly all. Even when his sympathies are most strongly aroused, and where his style warms, Mr. Tawney's judgement is balanced; though sometimes he sneers, and in the section on the poor laws there is an excess of invective. Nor are these sections on a level with the rest of the book in workmanship; they contain too much 'single-cause explanation'. In his summary Mr. Tawney maintains (p. 407) that 'if economic causes made a new system of farming possible, it is none the less true that legal causes [i.e. the absence of security of tenure for all below the grade of copyholder of inheritance with fixed customary fine] decided by whom the profits should be enjoyed'. Yet the Tudors could hardly have helped the

peasants much 'without a social and administrative revolution which was unthinkable, and which, if carried out, could only have meant political absolutism'. German agrarian history bears this out: it needed a despot to stop *Bauernlegen*.
J. H. CLAPHAM.

Lincoln Episcopal Records in the Time of Thomas Cooper, S.T.P., Bishop of Lincoln A.D. 1571 to A.D. 1584. Edited by C. W. FOSTER, M.A., F.S.A. (Lincoln: Printed for the Lincoln Record Society, 1912.)

THIS fine volume, the second of the publications of the Lincoln Record Society, and issued also to members of the Canterbury and York Society, is very much more than the reprint of an episcopal register. The editor has laboriously collected the available information as to the acts of Bishop Cooper from various sources, and arranged them very skilfully so as to give as full a description as is possible of the bishop's activity. The main books thus handled are an Act Book, three Register Books, two Returns of the Clergy of the diocese; and, besides these, a vast mass of other documents, single deeds and collections, contribute to the picture.

A representative episcopate such as that of Bishop Cooper was well worth the labour and skill thus ungrudgingly bestowed upon it; and the result is a very interesting collection of first-hand evidence bearing on the administration of the largest diocese in England by one of the better sort of Elizabethan bishops. The editor does not save one the trouble of reading the book. His introduction is confined to an account of the documents and a short sketch of Cooper's life. But in appendix I he compiles statistical tables from the *Liber Cleri* of 1576; in II he sets out Cooper's itinerary; while further appendixes contain such things as Cooper's will, and an account of the suffragans whose names figure in the volume. The first of these is specially illuminating. The number of graduates, the proportion of married clergy, pluralists, preachers, the intellectual competence, or incompetence, of the clergy are drawn out from the returns, which deal with between three and four hundred parishes. But one instinctively asks for more; and on investigation other points emerge, which it may be well to put on record here. The information as to the date of ordination of the clergy shows that nearly every year from 1520 to the end of Henry's reign is represented. In Edward's reign the years 1547-9 and 1552-3 are unrepresented; in fact, there are only three Edwardine priests, two ordained by the bishop of Lincoln in 1550, and one by the archbishop of Canterbury in 1551. Two are graduates and preachers, and the third also is 'well versed in sacred learning'. He had been ejected from his benefice in 1554 as a 'laic', but was apparently restored later on. The Marian period 1554-9 produces its fair share of ordinations. Two-thirds of these Marian priests had married by 1576, and the intellectually competent just outweigh the rest. Among Marians we have reckoned four priests ordained in 1559: one on 18 February by Pursglove, bishop of Hull, acting for Heath, the archbishop of York; two on 25 March by Salisbury, suffragan of Thetford, acting for Watson, the bishop of Lincoln; and the fourth as late as 9 April by Stanley, bishop of Sodor and Man.

Reviewing the list as a whole, it is interesting to observe that in 1576 there were still nearly 40 per cent. of the recorded clergy who had been ordained according to the Latin Pontifical. The older men, ordained before 1536, had for the most part remained unmarried; and so had 60 per cent. of the later Henrician clergy. The high percentage of the Marians who married is therefore the more remarkable. There is evidence of a gradual rise in intellectual proficiency; only a few of those ordained before 1536 are noted as competent in Latin or sacred learning. In that year the tide seems to turn and flow steadily onward, though with some relapses. The reputation of the ordinands of 1558 stands remarkably high, while that of those of 1559 falls incomparably low. The ordination lists of Bishop Cooper himself bring out some interesting points. He held very frequent ordinations, sometimes ten or more in the year, and with as little reference to ember days as his Marian predecessors. The diaconate and priesthood were constantly received on the same day, even when other ordinations followed at a few days' interval. It almost seems as though candidates were examined and ordained as they presented themselves; but an entry concerning the examination of a candidate shows that a fair interval had to elapse before the date appointed for his ordination. Sometimes the ordination is followed on the same day, or at a very short interval, by the man's institution to a benefice; and it is noticeable that in such cases he does not necessarily receive the priesthood as well as the diaconate. There seems to be no rule or custom as to the interval between the diaconate and priesthood; commonly, if there was any interval, it was a fairly long one—from one to three or four years. Sometimes the delay was imposed by the inadequacy of a candidate's learning, for there are continual signs that Cooper, the scholar and old schoolmaster, was not content with a bare minimum. In 1573 Thomas Morley presented himself for the priesthood and was 'ordered upon necessitie, although in the holy scriptures unacquainted, and therefore his letters staid for one whole year', during which he was to study, and then to come up again for examination. Morley seems to have profited little, for in 1576 we see him refused institution to a rectory, and given six months in which to study and make himself adequate. Others were set to study Bullinger's *Decades* as well as the Bible; and the same course was followed with beneficed clergy who were too little learned.

Another section of this volume gives a very valuable picture of the current exercise of ecclesiastical discipline. We have instances not only of suspension in the bishop's court, but of deprivation also, and that pronounced by the vicar-general; more usually the bishop is found sitting alone as judge in his court, occasionally jointly with his chancellor. Suspension is the penalty awarded in a quarrel between *vicar* and *curate* (*sic*), or in a case of unlicensed preaching, or where the parson had 'suffred poppettes to plaie' in the church; in the last case the culprit was soon restored on undertaking to acknowledge his offence in the pulpit on the Sunday following, and to pay 3s. 4d. to the poor. The deprivation was apparently that of a pluralist, and the cause was neglect of the parish. There is continual evidence that pluralism and non-residence are being very much restricted, and preaching is being increased. 'The exercise'—the out-

come of prophesyings—is being encouraged, but controlled; for on the same day the vicar of Grantham is ordered ‘not to speake there until his moderation shalbe better knowne’, while three other clergy are ordered to ‘frequent the exercise under pain of law’.

Much is made of subscription; and one of the things inquired and recorded in the *Liber Cleri* of 1596 is whether the incumbent ‘performs the holy mysteries’ (or some such phrase) ‘according to the manner and form prescribed by public authority’. A man was detected acting as curate without orders. ‘Serveth by tollerance’ is the note of his case, and he is to be cited. Unfortunately we hear no more of him; so we cannot tell whether he had done more than read morning and evening prayer, nor whether or no he was allowed to continue.

Cooper’s connexion with the diocese of Lincoln had ceased by his translation to Winchester (1584) five years before he was in the thick of the controversy with Martin Marprelate. But, in reviewing his work at Lincoln, one cannot help asking oneself, which is the truer picture of the aims and methods of the better Elizabethan episcopate—that which was painted by the brilliant and reckless satirist, or that which emerges by degrees from the musty pages of official registers? Who shall say? But, at least, such evidence as this must not be neglected in the future.

W. H. FRERE.

Calendar of State Papers, Ireland, 1669–70. Addenda 1625–70. Edited by R. P. MAHAFFY. (London: H.M. Stationery Office, 1910.)

MR. MAHAFFY is unfortunate in his addenda. We can quite understand how documents will keep cropping up too late for entry at the proper place. All the same, we cannot help feeling that proper foresight on Mr. Mahaffy’s part might have prevented an excessive demand on the student’s time and patience. There was a series of addenda of documents 1641–2 to volume ii (1633–47), another, 1625–60, to volume iii (1647–60), and now we have a volume of 700 pages, nominally covering the period from September 1669 to December 1670; but of these 700 pages more than half consist of documents ranging from 1625–70. But except in this respect Mr. Mahaffy has accomplished the task assigned him in 1896 in a fairly, and as regards his later volumes in an entirely, satisfactory fashion.

The period following the Restoration is not one which appeals to him, and he is a little too fond of emphasizing its obscurity and difficulties. An editor whose whole heart is not in his business is bound to work at a disadvantage, and despite his praiseworthy zeal in identifying persons and place-names, in approximately dating undated documents, and in explaining obscure allusions, we have an uncomfortable feeling that Mr. Mahaffy’s knowledge is only coming to him bit by bit, and that consequently he does not see things and persons in their proper perspective. This groping of his way is naturally most apparent in his prefaces. The sentence with which his present preface opens—‘The fifteen months during which we have to follow the history of Ireland in the first half of this volume were, to speak generally, months of uneventful repose’—

does not seem to show that he is aware that with Ormond's recall and the appointment of Lord Robartes we are entering on a most critical period in the history of Ireland, and that under the tranquil surface forces were already at work which were to lead to rebellion and a fresh conquest of Ireland. It is true Mr. Mahaffy is not alone to blame for this result. For to what other conclusion can a writer who relies on the documents immediately before him be expected to come when his view is arbitrarily cut off with 31 December 1670? The fact is that with this volume we enter on an entirely new period of Irish history, and Mr. Mahaffy's work as editor ought to have stopped with December 1669, or should be prolonged till July 1672, when we can fall back on Essex's published letters. As it is, we are cut short in the middle of Berkeley's career, just at the moment when every scrap of information becomes of importance. The present volume furnishes, unfortunately, little material for judging the significance of two such different appointments as those of Robartes and Berkeley. From the former we cannot expect much, owing to his refusal to correspond with either of the two secretaries, while to the king himself (as the latter informed Orrery) he only wrote once, and that was to demand his recall. The matter is different, however, with Berkeley. He himself was a pretty regular correspondent, and when he was too lazy his place was admirably filled by Sir Ellis Leighton. One letter of the latter at p. 280 we wish Mr. Mahaffy had printed *in extenso*. Its importance is apparent from the abstract given of it by him:

I send you an answer of the Council here to a letter from the Council of England. Our Council here all fell in a flame and are jealous of anything in favour of the Catholics. My Lord was forced to concur. As soon as he hears from you the least intimation of the King's pleasure he can by his prudence bring all to reason. . . . Many Catholics are in: more may be if they will be prudent, &c.

It is very entertaining to see how, in the character of a 'good-natured, merry, uncircumspect fellow that means nobody no harm and would fain please everybody', Leighton was laying schemes which could only end in upsetting the settlement so hardly arrived at by Ormond. But it would be more satisfactory if we could determine who it was that was actually pulling the strings, and what was precisely meant by the policy *ruat coelum, fiat regis voluntas* so openly given expression to by Berkeley. Orrery of course comes in for a good deal of attention; but one hardly knows whether to be sorry for him at his evident disappointment in not being chosen to succeed Ormond, to whose fall he had contributed, or to laugh at his self-important airs. It is always a sign with him that things are not going to his satisfaction when he takes to writing in cipher. His love of cryptogram had its roots in his suspicious, intriguing nature, and he apparently had a different code for all his chief correspondents. Mr. Mahaffy has done his best to decipher his letters to Lord Conway, but we wonder he did not remark that the new cipher is merely the old one plus 20. His conjecture that 457 stands for Lady Clanricarde strikes us as doubtful: we would suggest Lady Castlemaine; but guessing is rather futile.

It is impossible to discuss here all the points of interest raised in the volume—the numerous applications for a remission or reduction of quit-rents as settled by the Act of Explanation to the detriment of the revenue;

the efforts made in pursuance of the policy adopted by the Commonwealth to clear the country of tories by transporting them abroad, in which government was zealously assisted by the titular archbishop of Armagh, Oliver Plunket; the growth of Dublin in size and wealth, as attested by petitions on the part of the brewers, cutlers, painter-stainers, and stationers for letters of incorporation, and the opposition offered by the merchants of the city to the exclusive trading privileges granted the London Canary Company; the quarrels of the remonstrants and anti-remonstrants in which government reversed Ormond's policy, &c. A report of a review of the army at the Curragh by Berkeley, in July 1670, seems to show that the standard of efficiency established under the Commonwealth was being fairly maintained, though the reluctance of officers to sacrifice their pleasure to their duty is no less apparent. As in the preceding volumes, the documents in the appendix consist chiefly of petitions for restoration to forfeited property. These petitions are of singular importance for a more intimate knowledge of the history of the times. The histories of half the families in Ireland are contained in them.

We have not noticed any important editorial mistakes; but Mr. Mahaffy should not confound Scurlog or Scurlock with Sherlock; Chambry in the text is rightly given Chambers in the index; for 'criminal', on p. 46, is to be read 'no criminal'; Farguolin, p. 76, might have been identified with Fercullen; Sir Patrick Mulledy's title is probably a mere courtesy translation of Don acquired by him during his exile in Spain. The O'Mulledys were a county Westmeath family. Don Patricio forfeited for his share in the rebellion, but recovered at the Restoration and was succeeded by his nephews Redmond and Hugh. The property was finally lost at the Revolution. We are a little perplexed by the signature of Charles Viscount Muskerry to the catholic remonstrance dated 'about April 1666'. As Mr. Mahaffy rightly notes, Charles was killed at Solebay on 3 June 1665. Peter Sherlock in the same document is referred to as Patrick Sherlock in the index. 'Even dead,' p. 322, does not, we think, mean 'almost dead', but 'so much as', i.e. 'apparently dead'.

R. DUNLOP.

The Old Colonial System, 1660-1754. Part I: The Establishment of the System, 1660-88. By G. L. BEER. 2 vols. (New York: Macmillan, 1912.)

FEW writers have deserved better of those interested in colonial history than Mr. Beer. Concentrating from the first upon a single aspect of the subject, he has brought to bear upon it so much learning and research that it is not too much to say, in spite of brilliant treatment of particular portions of the subject by Professor Ashley and others, that the establishment, development, and operation of the English economic colonial system has first found in him its serious historian. By the term 'colonial system' is meant that 'complex system of regulations whose fundamental aim was to create a self-sufficient commercial empire of mutually complementary economic parts'; and Mr. Beer throughout rightly insists that, in judging particular measures, this general object must always

be considered. Thus great stress is laid upon the significance of the drastic destruction of the tobacco-growing industry in England.

While a desire to promote the prosperity of the colonies was not the sole motive, it was a very prominent one; and at all events they were the direct and immediate beneficiaries of the measure. . . . No law regulating colonial trade demanded from the over-sea dominions direct sacrifices in any way commensurate with those that the farmers of south-western England were forced to bear.

Approaching colonial history from the economic point of view, the relative importance of the different types of colony is found to be very different from such relative importance in the scale of political and social development.

Of England's total colonial trade of £1,638,086 in the year 1697-1698 about seven eighths, £1,420,207, was with the sugar and tobacco colonies. The trade with the northern continental colonies—New England, New York, and Pennsylvania—amounted to only £172,191, less than 11 per cent. of the total. Of this amount the exports were £129,454, which, while not an insignificant quantity, was by no means an imposing one. Without taking into account the slaves purchased, Jamaica alone afforded just as big a market. The imports were only £42,737 and, moreover, consisted in part of tobacco, sugar, and other West Indian produce. Furthermore, this small trade with the northern continental colonies between Maryland and Canada employed but little English shipping. Of the 226 ships sailing from England for the colonies in 1690-1691, only eight were bound for these colonies.

Mr. Beer is quick to recognize the logical consequence from this state of things; and hence the affairs of the West Indies receive at his hands especially full treatment. The New England colonies, indeed, from the imperial point of view, may be regarded as excrescences, inconsistent with the *raison d'être* of empire.

The English empire was primarily a product of private initiative. From the very beginning there were present in it an inherent contradiction of purposes and two irreconcilable tendencies, which ultimately led to the American Revolution. The colonization of New England was not the result of a normal movement of expansion. It was rather a religious and political schism in the state. In consequence thereof there was planted on American soil a group of communities whose actual development, fostered by the conscious and unconscious aims of its members, tended steadily towards the formation of an organic body politic with interests distinct from those of the empire. This was radically opposed to the aims of the Restoration statesmen and their successors.

So strongly is Mr. Beer impressed with the importance of this fact that, perhaps not fully laying to heart his own maxim not to regard past history through modern spectacles, he seems to consider that Massachusetts might almost have been allowed to cast off all allegiance to the mother country but for the economic considerations which came to the fore. 'It became a most serious matter when the New England traders took the sugar and tobacco of the other colonies directly to Europe, and brought back to them European goods which had not passed through England.' No doubt it was the economic argument which clinched the matter in the final decision to proceed against the Massachusetts charter; but dilatoriness, fear of the consequences, and troubles at home had probably more to do with the delay than would appear from the mere perusal of Mr. Beer's account of the matter.

Valuable as is throughout a work based on so much new and first-hand material, the first volume, wherein are treated the laws of trade and navigation, the English fiscal system and imperial finances, and the central and local administrative machinery, perhaps breaks newer ground than does the second in its detailed treatment of the various colonies. The close connexion between the mercantile system and imperial defence is for the first time clearly brought out. 'In the eyes of the statesmen and publicists of the day, England was fully justified in restricting colonial commerce in return for the burden assumed in defending and policing the Empire.'

In his account of the central administrative machinery Mr. Beer does not add much to what is already known from Professor Andrews's *British Councils of Trade and Plantations*; but the local administration, which was the outcome of the condominium of the privy council, the secretary of state, the treasury, and the admiralty, has never, to our knowledge, been so clearly explained. The establishment in the colonies of a system of customs officials, who not only were absolutely independent of the authorities in the charter and proprietary colonies, but also were in a great measure free from control by the royal governors, was a significant development, the full importance of which is lost sight of in the ordinary histories. It is interesting to note that the dual system of customs examination, arising from the separate responsibilities of the collectors and the governor's naval officers, was 'retained by the continental colonies when they secured their independence, and is still a characteristic feature of the customs administration of the United States'. Still, no doubt this system of triple control illustrated a serious defect in the system of administration.

The fact that three of the great English executive departments were represented in the Crown Colonies by distinct and separate agents implied a division of authority, which inevitably led to disputes impairing the smooth running of the machinery. Legally the royal governor was the supreme executive authority in the colony, but occasionally it was only after considerable difficulty and delay that he could make his will effective. The Treasury and Admiralty officials in the colonies at times thwarted his wishes and acted independently, trusting to secure the support of their immediate superiors in England, to whom they were directly responsible and whose influence would naturally outweigh that of the governor. In so far as the customs officials were concerned, such incidents were rare in the royal colonies. These officials were usually overawed by the superior status and dignity of the governor, and hesitated to disobey him. But the officers of the navy were, in general, of much higher social rank than the customs officials and occupied posts of greater importance. Consequently they were much more independent, and friction between them and the governors was not an infrequent occurrence.

English books are full of complaints of the French system, under which the intendant acted as a kind of spy upon the governor; but, so far as the enforcement of the trade laws was concerned, the English system of administration was open to much the same criticism.

To those who have read Mr. Beer's previous books the general line of comment will be familiar. If he errs, it is perhaps in giving seventeenth-century statesmen too much credit for paying exclusive attention to the main purpose, and in not sufficiently emphasizing how liable they were

to be deflected from it by carelessness or more sinister causes. Mr. Beer can even be fair to a company possessing a monopoly of the slave trade. The complaints of Barbados against the African company are thus dealt with :

This was merely an instance of the friction that inevitably exists between all debtor and creditor communities, and which played an important part in the politics of the old empire. Without any conscious moral turpitude, there was a constant tendency on the part of the colonial planters to scale down their debts by inequitable currency and bankruptcy legislation. Against such measures the English merchants had to protect themselves as best they could.

Space forbids to deal further with Mr. Beer's volumes ; but enough, it is hoped, has been said to bring out some, at least, of their conspicuous merits. Assuredly to Englishmen, interested both in their past history and in the Anglo-American *entente*, no pleasanter proof could be given of the new spirit which now prevails.

H. E. EGERTON.

The Journal of John Stevens, containing a Brief Account of the War in Ireland, 1689-91. Edited by Rev. ROBERT H. MURRAY, Litt.D. (Oxford : Clarendon Press, 1912.)

OF the personal history of the author of this extremely interesting journal remarkably few details have survived. That he was a Jacobite and a Roman catholic, that he had travelled in Ireland and Portugal, and that he was, at the time of the revolution, employed as an excise officer in Wales, are facts which may be gleaned from the pages of the journal, but to this little can be added except the knowledge that he became in later life a voluminous, if not particularly distinguished, writer and translator from the Spanish.

The history of his journal is shrouded in an even greater obscurity. The copy in the British Museum (Add. MS. 36296); from which the present edition is taken, can be traced back to 1759, and it is known that Ranke made use of another copy which is probably an earlier version of the same. The journal clearly was not written from day to day, though Dr. Murray thinks that Stevens made use of some daily record in writing it, and the probable date of its composition rests entirely upon internal evidence. Dr. Murray collects several passages from the text which, from their reference to future events, prove that the journal cannot have been exactly contemporary. He does not call attention to an allusion, on fo. 55 of the journal, to the regiment 'in which I serve', but, inasmuch as Stevens afterwards uses the phrase 'in which I served', it is likely enough that the use of the present tense in the former instance was merely accidental. If it were not, this chance word, taken in conjunction with the occasional expression of a hope in the ultimate triumph of the Jacobite forces, might seem to fix the date of composition at no great distance from the events described. The journal ends abruptly at the foot of a page, and Dr. Murray puts forward the theory that the book was accidentally dropped from its owner's knapsack and so lost.' The narrative may or may not have been continued in another book, which has not been recovered.

On the outbreak of the revolution Stevens fled to France and joined

the exiled king at St. Germain's. From thence he proceeded to Ireland to serve in the Jacobite army and, after some time spent in Dublin, he received a commission in the Lord Grand Prior's regiment of infantry. The first part of his journal contains a description of his fortunes down to this point, together with some account of the state of James's affairs as he found them upon his arrival in Ireland. The second portion deals with that part of the war at which Stevens himself was present, and includes the battle of the Boyne, the first siege of Limerick, the siege of Athlone, and the battle of Aughrim, in the middle of the account of which the journal ends. It thus covers a period on which, though there is no dearth of literature, the account of an eye-witness is particularly valuable. And Stevens was in many ways well qualified to record his impressions. He was not a mere fighting-man. His journal is not a bare record of marches and encounters. Both in his travels before he reached Dublin and in his movements after he joined the army he devotes not a little space to a description of the places through which he passed and the character of their inhabitants. Nor does he hesitate to give his views upon the conduct of the war. As a soldier, he was disgusted with the want of discipline and courage often noticeable among officers as well as men, with the quality of the material from which the army was formed, and with the absence of proper provision for its efficient maintenance. As an honest man, he could not but be shocked at the corruption and self-seeking of those who professed to support the Jacobite cause. Interspersed with his account of the war and its conduct are many quaint reflections and judgements which, though they may not be either very novel or very profound, nevertheless add to the human side of this most interesting chronicle.

The editor has supplied an introduction and full notes to the text, and has added a useful bibliography. Memoirs of this kind are apt to appeal only to the specialist, and Dr. Murray is to be congratulated on the publication of a work which, while it is of real importance to students of the period, is very well worth reading for its own sake.

G. B. TATHAM.

The Windham Papers ; The Life and Correspondence of the Rt. Hon. William Windham (1758-1810). With an introduction by the Right Hon. the EARL OF ROSEBURY. 2 vols. (London : Herbert Jenkins, 1913.)

THE value of the Windham MSS. in the British Museum was shown in two articles published in this Review for October 1912 and January 1913. The volume now under review forms a collection of all Windham's letters, including some of his own and of Burke, &c., which appeared in Windham's Diary and other sources. It is a slight exaggeration to term the narrative a 'Life' ; for in the main it consists of letters with short explanatory links. But of the value of the collection there can be no doubt. It presents the most complete account now obtainable of a man of singular interest. As Lord Rosebery remarks, in a suggestive introduction, the success of Windham's parliamentary career by no means corresponded to his gifts. But the puzzle of his half-failure is explained by his curiously introspective 'Diary'. Lord Rosebery is hardly fair to Windham in

ascribing to him the responsibility for the disaster at Quiberon ; for that disaster is proved to have been the result of the inconceivable follies of the *émigrés* at Quiberon ; but it may be admitted that Windham was out of place at the war office. The refusal of Pitt to send further expeditions to the Breton coast probably accounts for the divergence between them, which, beginning in 1796, became irreconcilable in and after 1804. Unfortunately, the letters of Windham in 1804-5 are comparatively few. He disliked Pitt's proposals about the volunteers, which he thought would involve 'the annihilation of all regular force' (ii. 231) ; but there seem to have been few if any reasons of principle (except perhaps catholic emancipation) why he should not have joined his last administration. Windham, however, had pledged himself to the Fox-Grenville coalition, and rejected all thoughts of union with Pitt. The letters of Fox and others at that time (e.g. ii. 240) show that Fox himself disliked all thoughts of such a coalition, and that therefore the oft-repeated charge of his being 'excluded' from the second Pitt ministry is baseless.

It is impossible to refer to the many subjects opened up in this correspondence. It throws new light on certain episodes in the careers of Burke, Fox, Sir Gilbert Elliot, the duke of York, Mrs. Crewe, the duke of Portland, and William Corbett. The notes are not always adequate, particularly those relating to the French royalists in Brittany. The heading 'Puisaye a Poltroon' unjustly emphasizes a rumour of the time, which was afterwards explained away ; and there is no note (ii. 14) commenting on the importance of the services of the Marquis de la Jaille at Quiberon and of his narrative of the disaster. Elliot's letters, written while in Corsica to Windham, emphasize the details, already to some extent known, respecting the factious opposition of Paoli and Colonel (afterwards Sir John) Moore. In one of them the editor should note that 'the enemy' is Paoli. In his biographical notes on Windham the editor does not mention a curious episode reported by Sir John Sinclair (*Correspondence*, i. 142). During a tour in the highlands Windham was greatly charmed by a young lady, the daughter of a presbyterian minister, and afterwards confessed that his loss of her was a severe disappointment. Sinclair's account of the affair is at first hand ; and possibly it explains the melancholy often observable in the statesman.

J. HOLLAND ROSE.

'*Mes Loisirs ; Journal d'Événements tels qu'ils parviennent à ma Connaissance (1764-89)*. Par S. P. HARDY. Publié d'après le manuscrit inédit par M. Tournoux et M. Vitrac. I: 1764-73. (Paris: Picard, 1912.)

THE eighteenth century is peculiarly rich in memoirs and journals, but, for the most part, their authors were statesmen and politicians, conversant with affairs of state and the intrigues of the court, but knowing little about the thoughts and opinions of that large part of the nation which lay outside the very narrow confines of political life. This is true both of France and England ; and for this reason, if for no other, the publication of the journal of Siméon-Prosper Hardy, a Parisian bookseller, has a special interest and value. It is highly probable, indeed, that such a useful work would have been accomplished before, had it not been

attended with peculiar difficulties. Hardy's original manuscript runs to four thousand and eighty-two pages; and, consequently, before publication was possible, a certain amount of judicious compression and omission was necessary. No more difficult task can be imposed upon an editor than to discriminate between what can be safely omitted and what must certainly be included; and MM. Tourneux and Vitrac are to be sincerely congratulated upon the skill and judgement they have displayed in performing this onerous duty. None but the most fanatical partisans of the policy of the whole truth will regret that documents quoted in the manuscript but easily accessible elsewhere are not reproduced, and that only an abbreviated account is given of petty unimportant incidents which, though they may have had an interest for Hardy, have certainly lost their savour with the passage of the years.

The particular value of Hardy's journal is not difficult to estimate. It must be admitted that he throws but little light upon the political secrets of the last years of Louis XV's reign, but this is hardly surprising; for, though keenly interested in the contest between the royal authority and the *parlement*, Hardy is not behind the scenes of the political drama, and knows but little more than what is accessible to an active and keenly interested member of the general public. The intrigues of politicians, however, though often important enough in their consequences, do not comprise the whole of history; and as a simple citizen of Paris, Hardy is led to record much that would probably have escaped the notice of a more aristocratic and better-informed chronicler. We learn of the sufferings of the poor from the high price of bread, of starvation riots in Brittany and elsewhere, of one unfortunate woman driven into crime in order to procure food for a starving family, and of seditious placards exhibited in the streets of Paris threatening vengeance if the price of bread were not reduced. Yet it would be wrong to imagine that the tale unfolded in this volume is one of unredeemed unhappiness and misery, and no small part of the charm of the journal lies in the fact that it gives us such a many-sided picture of the time. To the poverty of the poor is contrasted the rising wealth and luxury of the middle classes; and to readers of Dumas the accounts of brawling musketeers fighting in the streets of Paris will have a strangely familiar sound. A pathetic interest, moreover, attaches to the picture of Marie-Antoinette as she appeared soon after her marriage with the heir of the kingdom of France. 'Tous ceux qui l'y voient,' wrote Hardy in July 1770, 'sont si portés de se convaincre par eux-mêmes de la vérité des louanges qu'on lui donnait et de tout le bien qu'on entendait dire d'elle, et de remarquer surtout sa douceur, son affabilité, son air aisé, simple et naturel.'

Nor is it only by what he records that Hardy establishes a claim upon the consideration of the serious historian. Incidentally, but very effectively, he allows us to see the point of view from which he judges of the events passing around him; and thereby enables us to form some estimate, rough though it may be, of the opinions and prejudices of the class to which he belongs. It is true that he is no Pepys, for he tells us very little about himself or the details of his daily life; but he certainly cannot be accused of failing to pass judgement upon what he records. On more

than one occasion he makes it perfectly clear that he has no sympathy with noble criminals who escape the penalties of their evil deeds by virtue of their rank. After narrating an attempt to conceal a particularly odious crime of the Duc de Tronsac, he adds, 'On ne laissa pas néanmoins que de le tenir pour certain, et de gémir en secret de voir demeurer impuni, dans la personne d'un grand, un crime horrible qui eût fait éprouver les châtimens les plus rigoureux à tout autre particulier qui eût eu le malheur de s'en rendre coupable ;' and of another titled evildoer he remarks that, if he escapes unpunished, posterity will have 'un exemple de plus de l'impunité qui suit d'ordinaire, dans notre siècle, les crimes les plus abominables dès que ceux qui les commettent ont le bonheur d'être grands, riches ou accrédités'. Yet the man who thus scourges the crimes of the aristocracy is no republican, boasting, as he does, of his unshaken loyalty to his sovereign and his love for his sacred person. 'En vain,' he asserts, 'entreprendrait-on de me les faire abjurer, il serait aussi difficile d'y réussir qu'il pourrait l'être de parvenir à rendre blanc le plumage d'un corbeau.'

The volume under consideration ends with the year 1773, being but a mere instalment of what we are to expect in the future ; and it can be said with some confidence that when the editors have completed their enterprise they will have the satisfaction of knowing that they have placed many scholars in their debt.

D. A. WINSTANLEY.

La Fin des Parlements (1788-90). Par HENRI CARRÉ, Professeur d'Histoire à l'Université de Poitiers. (Paris : Hachette, 1912.)

ANY one familiar with the studies of the history of the *parlements* in the eighteenth century, which M. Carré has published in volume ix of M. Lavis's *History of France* and in various periodicals, will welcome this volume on the end of the *parlements*, and will not be disappointed. The formidable bibliography of eighteen pages shows that among his original sources M. Carré includes documents from the national, departmental, and even municipal archives, and also that valuable class of evidence to be found in numerous journals and innumerable pamphlets. It is, therefore, surprising to find M. Carré giving the *Archives parlementaires* as a reference, when he has before him the originals of this unsatisfactory collection, and the *Réimpression de l'Ancien Moniteur* prior to November 1789, when he has really contemporary journals at his command.

In the opening chapter of this excellent book M. Carré shows how the magistrates, a rich and aristocratic corporation, resisted every financial measure of Louis XVI's numerous governments, which threatened the pecuniary privileges of their order, and every attempt to reform the courts from without, though they themselves admitted that 'les frais de justice sont immenses et les abords des tribunaux presque inaccessibles'. But this resistance, however interested, secured for them a fictitious popularity at a time when the power of the *parlements* to remonstrate and to refuse to register edicts was the only effective check on the despotism of the government ; and when they demanded the convocation of the states-general to vote supplies they seemed for the moment to be the leaders

of a movement for reform. How little the *Tiers État* had to hope from such leaders was shown when the *parlements* pronounced in favour of summoning the estates according to the forms of 1614. Though the *parlement* of Paris subsequently compromised by leaving the question of the number of deputies for each order to the wisdom of the king, both parties felt that they had been betrayed. Consequently, out of a corporation of over a thousand magistrates, M. Carré points out that only twenty-five actually took their seats as deputies to the states-general, and of these, only four represented the *Tiers État*.

Since the *parlements* had claimed to be 'les ministres essentiels des lois du royaume', it was inevitable that so soon as the states-general had declared itself a national assembly the question at issue between them should be whether the assembly was sovereign and constituent or merely a subordinate law-making body. Three courses were open to the assembly. It could preserve both the political and judicial powers of the *parlements*, giving them a position in the monarchical constitution analogous to that of the supreme court in the democratic constitution of the United States; it could abolish their political, while preserving their judicial powers; or it could abolish them completely. The opinion of the assembly on the first course, advocated by the *parlementaires* only, was clearly stated by Lamette, when proposing their 'mise en vacation', the preliminary to the adoption of the second: 'La constitution ne sera pas solidement établie tant qu'il existera auprès des assemblées nationales des corps rivaux de sa puissance, accoutumés longtemps à se regarder comme les représentants de la nation.' The remonstrances of some of the *parlements* against this edict made it plain that the third course was the only one practicable, a point which M. Carré brings out very clearly by quotations from a number of interesting documents. The *parlement* of Brittany went so far as to deny that the states-general could interfere with the contract by which Brittany and France were united without the consent of the estates of the province, a contention in which, if successful, Mirabeau recognized 'l'anéantissement de la révolution'. In fact, after the dispersion of the *parlements*, though he admitted that the new elective courts were 'détestables', he still maintained that the destruction of the *parlements* was 'une conquête commune à la nation et au monarque'.

The *parlements*, having failed to vindicate their own position, proceeded to attack that of the assembly. Before its dispersion the *parlement* of Bordeaux in a very sensible *arrêt*, pointing out the effect of 'une liberté publiée avant la loi qui devait en prescrire les bornes', referred to the assembly as 'cette réunion des députés de chaque bailliage'. Even after the decree abolishing the *parlements* had been passed, the campaign was continued on the lines that the states-general, being composed of deputies, representing the three orders, bound by their mandates, had ceased to be a national assembly from the moment when these deputies had repudiated their mandates. But after the election to the new judicial offices of a few of the *parlementaires*, the tardy compensation of perhaps one-half, and the emigration, according to M. Carré's careful estimate of about one-third, the only hope for the last lay in a counter-revolution.

M. Carré quotes in full, from *L'Ami du Peuple*, a supposed *arrêté* of the *parlement* of Paris passed at Tournay on 12 May 1791, in which it regards as null and void all decrees contrary to the principles set out in the royal declaration of 23 June 1789 and in the *cahiers*, and begs the king to recall the *parlements* and convoke again the states-general according to the old forms. He does not, however, refer to a remonstrance of 26 May printed at Tournay, which, though its authenticity may be equally doubtful, is even more significant. In it the *parlements* claim to be 'le plus ferme appui du trône et les plus zélés défenseurs du peuple'. They admit the existence of abuses, 'mais un abus ancien est respectable'. They defend their resistance to the financial reforms on the grounds that they would have given the country people 'des idées d'égalité civile, dont il était prudent d'étouffer les germes'. They implore the king to re-establish the *parlements*, 'qui de concert avec les amis de l'ordre et de la paix rappelleront bientôt l'Ancien Régime et avec lui le bonheur du royaume.'

The closing chapter shows how Napoleon, realizing the weakness of the elective courts, reinstated all such *parlementaires* who were not broken in health or fortune, and even seemed to defend the hereditary principle by appointing their sons and nephews. Since M. Carré has not kept within the limits prescribed by his title, it is to be regretted that he has not found room in the opening chapter for an examination into such a fundamental and debatable question as the basis of the political claims of the *parlements*, for which he is so admirably equipped. It would even seem more relevant than an enumeration of the advocates of note who practised before the various *parlements*.

Throughout the book the references to authorities are most fully and carefully given. Considering the number, it was almost inevitable that a few slips should have escaped notice. On p. 38, n. 1, the reference to the *Archives parlementaires* should be tom. i, p. 285, not 287. The quotations at the bottom of p. 225 are not from *Conspirateurs démasqués*, as it would appear, but from another of Ferrand's pamphlets, *Tableau de la conduite de l'Assemblée prétendue nationale*. On p. 252, the reference in n. 1 should be to Mirabcau's note of 28 September, not 23, probably a printer's error.

M. A. PICKFORD.

Scotland and the French Revolution. By HENRY W. MEIKLE, M.A., Litt.D. (Glasgow : MacLehose, 1912.)

THE period of Scottish history of which Dr. Meikle writes is interesting and important, for it is the time of the awakening of Scottish political life. Eighteenth-century Scotland, after the 'Forty-five', is remarkable for its economic advance no less than for its intellectual revival, but it was not till after 1780 that, practically for the first time in her history, there were signs of the birth of political enthusiasm. This was largely due to the American war of independence, and was shown in much needed attempts to reform county and burgh franchise and the internal administration of the burghs. Partly owing to the opposition of Dundas, the 'Manager of Scotland', these reform movements were unsuccessful, as was that against patronage in the church; but they show that Scotland was beginning to

seek reform. The news from France in 1789 and 1790 excited much interest in Scotland. English journals and newspapers had to be imported to satisfy the thirst for information ; the whig club of Dundee sent an address to the National Assembly, and the proceedings of the latter were approved of by many of the more enlightened part of the community, including Erskine, Fletcher, Dugald Stewart, and Somerville of Jedburgh. Burke's work excited great interest and controversy ; and with the replies made to it, especially Christie's *Letters on the French Revolution* and Mackintosh's *Vindiciae Galliae*, which urged Scots to seek freedom as their forefathers had in the past, did much to extend the spirit of reform and to arouse the educated classes. Paine's works were having at the same time great influence on the industrial workers. A number of periodicals were founded after 1790, to give news of French affairs, to advocate reform or to resist it, some of the latter receiving support from the secret service fund. The Corn Bill of 1791, the failure of Sheridan's motion in parliament for burgh reform, the proclamations against seditious writings in 1792, for all of which Dundas was blamed, increased the existing spirit of unrest and led to riots in several towns in 1792 ; of which the real cause, in Lanarkshire at any rate, was said to be ' an almost universal spirit of reform and opposition to the established government and legal administrators which has wonderfully diffused through the manufacturing towns of this county '.

The first society of the Friends of the People in Scotland met in Edinburgh in July 1792, and the number of such associations increased rapidly, greatly to the anxiety of Dundas, who feared it would be impossible to restrain their effects. The first general convention of delegates of these societies met in December 1792, not very important in its immediate effects, but alarming the government by its evidence that the working classes had begun to be interested in political affairs. Two more general conventions were held ; the delegates of the second were of a lower type than those at the first ; the third, at which members of the London Corresponding Society and the London Constitutional Society were present, declared that its aim was to obtain universal suffrage and annual parliaments, while the delegates called each other ' citizen ' and divided themselves into ' sections '. The leaders were arrested and it was forced to disperse. The finding of some pike-heads in Edinburgh and of evidence of a conspiracy organized by Watt in 1794 increased public fear of a reign of terror in Scotland, and the opposition of the upper and middle classes as a whole to democratic tendencies grew stronger. Many of the societies came to an end, and those who stuck to their ' Jacobinical ' principles, tradesmen, workmen, or advocates, like Henry Erskine, found public condemnation heavy upon them. Measures of repression had already been taken by the government, whose spies were active, for the celebrated trials for sedition began after the meeting of the first convention. Muir, Palmer, and others were transported to Botany Bay after notoriously unfair trials. The judges exercised their power of practically selecting the juries, and took care to have men of ' proper principles '. The lord justice clerk was Braxfield, who defended the legality of the sentence of transportation, which was questioned in parliament. In America, England, and France great interest and indignation were aroused by the trials, and

the Committee of Public Safety even ordered the French admiralty to try to stop the vessel which carried some of the condemned ; and Muir, on his escape, was fêted in Paris and pensioned by the Directory. So violent and prejudiced was Braxfield's conduct, that when Watt came to be tried the lord advocate urged that a special commission of oyer and terminer should be issued, because then the ' violent and intemperate gentleman who sits in the Justiciary ' would not preside.

Dr. Meikle has gone fully into the connexion of Scotland with French schemes of invasion. After the war began, the French, influenced by the reports of three spies, Pétry, Oswald, an American, and Mengaud, whose instructions were most minute, but whom Dr. Meikle suspects of never having set foot in Scotland, and also by the opinions of Scotsmen in Paris, seemed to hope that Scotland, like Ireland, ' always restive, and secretly in revolt against the injustice of the dominating race ', would rise in rebellion. Wolfe Tone was afraid that French attention might be diverted from Ireland to Scotland ; and, indeed, before Duncan's victory at Camperdown a plan was made to land 50,000 men in Scotland, take Edinburgh and Glasgow, and seize the vessels in the Clyde to transport the forces to Ireland. In 1798 the British government received secret information that separate republics were to have been set up in England, Ireland, and Scotland, and was given the names of the proposed ' Scotch Directory '. Dr. Meikle also gives an interesting account of the opposition to the Militia Bill of 1797 in Scotland, which led to riots at Tranent, where eleven people were killed in a cavalry charge, at Carstairs, Kirkintilloch, and elsewhere. Men were afraid of being sent abroad, and the methods of enforcing the act were unpopular, but the authorities considered that ' Jacobinism ' was largely to blame for the disorder. This opinion was supported by information about secret societies known as ' United Scotsmen ', whose members had apparently copied name and organization from some United Irishmen who had been forced to leave their own country, though O'Connor declared that there was no close connexion between the societies. Mealmaker, one of the most prominent members, was sentenced to transportation ; an act was passed in 1799 suppressing all these societies by name ; and after 1802 no more was heard of the United Scotsmen.

In religious matters the influence of revolutionary thought was considerable. The established church, on the whole, sided with the government, but the various seceding bodies were suspected of disloyalty. Missionary activity, both at home and abroad, was a result of the revolution. The lay evangelism of the Haldanes and others and the beginning of Sunday schools independent of the control of the ministers were disapproved of by established church, seceders, and the government, which suspected that the ' missionary business grows from a democratical root.'

Dr. Meikle says that the direct influence of the French Revolution on Scotland came to an end in 1802, but he traces the growth of the awakened spirit of reform until the triumph of 1832. The cause of a good deal of the disorder in this period was economic. In connexion with one episode, the strike of 1812, in which the cotton spinners came out on strike because the manufacturers would not pay the wages fixed by the justices, Dr. Meikle

is not quite clear. He says that after the decision of the court of session about the powers of the justices, 'justice now demanded that the employers should be forced to obey the law,' but the court had declared that though the justices could name a rate neither the masters nor the workmen need be forced to adhere to it. Then he says that 'as a result of the strike, the clauses in the Statute of Artificers authorizing magistrates to fix the wages of labour were repealed'. These clauses were repealed, but so were the similar clauses in acts of the Scottish parliament of 1617 and 1661, on which the spinners had based their action—the Elizabethan statute did not apply to Scotland. The act of repeal was passed in 1813, not 1815. In another place Dr. Meikle says that strikes were then known as combinations, but surely these terms are not synonymous.

Dr. Meikle has printed some interesting documents in the appendix, and his bibliography is very extensive and will be most useful to students. He has consulted a great deal of material, both printed and manuscript, which had not been made use of before, and his careful and interesting monograph is a valuable addition to Scottish history.

THEODORA KEITH.

Gedenkstukken der algemeene Geschiedenis van Nederland van 1795 tot 1840.

Uitgegeven door Dr. H. T. COLENBRANDER. IV: Staatsbewind en Raad Pensionaris 1801-6 (2 vols. 1908); V: Koning Lodewijk 1806-10 (2 vols. 1910); VI: Inlijving en opstand 1810-13 (3 vols. 1911-13). (The Hague: Nijhoff.)

THESE volumes form volumes 5, 6, 11, 12, 13, 16, and 17 of the historical series published by direction of his excellency the Minister of Home Affairs. The first part (IV) contains documents arranged under the headings French reports, Prussian reports, English reports, From Batavian Sources, and The Orange House and Orange Party from 1801 to 1806. It terminates with the accession of Louis Bonaparte as king of Holland; the last chapter ends with the establishment of the confederation of the Rhine which deprived William VI of his Nassau domains. The documents from Batavian sources are the most bulky. Most of these two volumes consists of documents which have either never been published before, or have only been imperfectly worked through, and the editor has laid the record offices of Paris, Berlin, and London under contribution as well as the archives of the Netherlands.

Part V contains French reports and Prussian reports, the correspondence of the king, a chapter of documents from other Dutch sources, and one on the house of Orange from 1806 to 1810. This part terminates with the incorporation of the Netherlands with France, except the last chapter, which ends with the end of Robert Fagel's mission to England in the autumn of 1810. The longest chapter in this part is the king's correspondence. This was removed by Napoleon's orders to Paris when the incorporation took place, and he burnt a number of the originals, but these can apparently mostly be reconstructed from the drafts. Dr. Colenbrander has, however, abstained from reprinting the whole correspondence, much of which is available in works already published and accessible to students,

and he indicates in a careful review in the preface what these works are, and how they bear on the solution given in his publication. In a note on Roëll's diary where the queen's pregnancy is referred to (6 September 1807) he points out that the ascription of the paternity of Napoleon III to Admiral Verhuell must, looking to the dates, be unfounded.

Part VI contains correspondence from the emperor's cabinet, the ministry of internal affairs at Paris, and the ministry of police at Paris. There are two considerable gaps in the first chapter, one in 1812 owing to papers having been burnt by Napoleon's order during the Russian campaign, and one in 1813 due no doubt to the confusion caused by the Leipzig campaign. The last two chapters contain a number of confidential reports by French officials on the state of feeling in Holland. The last two volumes of the documents of 1810-13 are devoted to those of Dutch origin. The material is very large, and Dr. Colenbrander confesses to a special interest in this part of his work. The second part of part VI contains Lebrun's correspondence (most unfortunately incomplete, for Lebrun was an admirable writer, always readable, brief, to the point, and sympathetic) together with that of D'Alphonse (internal affairs) and Gogel (finance). The whole throws a flood of light on the state of the country. Dr. Colenbrander speaks highly of the capacity and energy of the French administration, and observes that one is forced to recognize that the incorporation with France, taken all in all, was a blessing for the country, though it was a further blessing that it came to an end. This volume contains a subject index covering parts I to VI, and a similar index is to be kept up in later volumes. The last volume of all contains matter from private sources, which is supplementary to much already-published matter, and a chapter on the house of Orange and the powers. The introduction contains an elaborate review of printed books dealing with the period. The whole series, if used in conjunction with the works already available and indicated in the introduction, must make as complete a documentary history of the country for the years covered as it is possible to compile.

H. LAMBERT.

Briefe von und an Friedrich von Gentz. Herausgegeben von FRIEDRICH CARL WITTICHEN und ERNST SALZER. III. Bd., 1. Teil: 1803-19. (Munich: Oldenbourg, 1913.)

THE progress of this definitive edition of Gentz's correspondence is not rapid; ¹ but the surviving editor is naturally anxious that nothing should be wanting to it in completeness, and he is now engaged on what all students of political history must consider the most important part of his task. Unfortunately, the earlier section of the correspondence between Gentz and Metternich includes no letters from the great minister dated earlier than 1819; of this year, however, not less than ten letters, some of them possessing very great interest, have found their way into the present instalment of the work, and raise the expectation of a much larger harvest of the same kind in the next. With the exception of an introductory

¹ Vols. i and ii, which appeared in 1909 and 1910, were reviewed by us in July 1911. See vol. xxvi, pp. 592-9.

essay on Gentz and Metternich by the late Dr. F. C. Wittichen, which was well worth reprinting, and an appendix or two containing more or less paradoxical contributions to the burning questions of the day by Adam Müller, Gentz's letters to Metternich during the years 1803-19 make up the whole of this ample volume, in which, accordingly, there is hardly a dull page. Of course, Gentz's epistolary style, even when he is addressing his 'adored Prince', makes no pretence to the severity and sensitiveness to which he laid claim in the matter of published compositions; but though (to put it bluntly) his flattery is occasionally laid on rather thick, while he plays the part of the squire of great ladies a little too effusively, he is always to the point and, neither in his French nor in his German letters, lays himself open to the sarcasm levelled at the declarations of the congress of Aix-la-Chapelle drafted by him: that everything in them 'qui n'est pas clair est allemand'.

Dr. Wittichen's essay is very useful in calling the attention of the reader to certain features in the development of the political views of Metternich and Gentz, and of their relations to each other, which, so far as space permits, I will not pass by in this brief notice of their correspondence. Thus, he points out, with what seems to me perfect truth, that, though Metternich was to a very considerable extent responsible for Austria's rising against Napoleon in 1809, he had not made up his mind as to entering into war against him, and still less as to seeking to compass his utter downfall. On the other hand, Gentz who, after Austerlitz, had refused to give way to what he called 'subjective despair', remained faithful, at least till the real crisis was over, to his oft-repeated *Delendus est*. His letter of 12 January 1806, in which he lays down his creed without for a moment supposing its main article to possess even a calculable chance of achievement, is as fine a delivery as any of his public appeals; and, in 1809, when Austria's second effort had failed, he could describe himself, with just self-consciousness, as absolutely the only German writer who from first to last had held out for the great cause of the political independence of Europe. Nor was his perseverance (if it is not to be called by a higher name) by any means only due to patriotic or loyal impulses; it was also founded on his conviction as a political historian, observer, and (it may be added without scruple) moralist, that the Napoleonic régime was not destined to endure. When, in May 1812, Metternich had set out for his memorable Dresden interview with Napoleon, then on the eve of his Russian campaign, Gentz told the minister that he would find the emperor '*changed*', by which he meant *sunk*'; and Metternich, on his return to Vienna, confirmed this impression. From that day onward, as Gentz afterwards prided himself in recalling, the liberation of Europe seemed no longer problematic to him; but he had, before the concussion, foreseen the collapse. After the victory had been won, the account to which it should be turned became to him a matter of secondary interest, and we find him in favour of a moderate peace with the defeated adversary, and strongly against the restoration of the Bourbons to the throne of France.

Gentz, while the reverse of a fanatic and quite out of sympathy with saints, was indisputably a politician of high principle, and as such, at times,

his 'dissertations' were not altogether to the taste of his correspondent, who complained of his caring more for measures than for men. But, although Gentz in his turn did not refrain from criticizing Metternich, to others as well as to himself, the relations between the pair were friendly long before Gentz, tired of most things, became less and less positive in the statement of divergences between his own views and the policy of his chief. It should not be overlooked that Metternich upheld Gentz against the disfavour with which he was regarded by many persons at court, and only with difficulty prevailed upon the emperor Francis II, who unmistakably shared in this dislike, to vouchsafe some mark of recognition of Gentz's invaluable services. It was not till 1813 that, together with a far from excessive gratuity, he obtained the title of *Hofrat*, which, he says, the public had long given him *abusive*, or till a year later that he was permitted to wear the official uniform of the chancery. He never attained either to the great ribbon of St. Stephen (which Cobenzl had 'not seriously' prophesied to him) or to the legitimate object of his ambition, the title and rank of *Staatsrat*. It is these things which make life bitter to some minds which it would be foolish to designate as small.

This correspondence begins with Gentz's return from London, his references to which are *couleur de rose*. In many later passages of the present volume we notice the warmth of his feeling towards a country which had received him so well and which turned his talents to such excellent account. He rejoiced in the wealth of her resources, and instead of despairing of her affairs on the news of the death of Pitt, sat down to compose an essay intended to dispel the gloom which had seized upon a large part of the English public with regard to the political prospects of Europe. In a letter of doubtful date (1810 or 1812) he emphasizes his repeated defence of Great Britain's maritime policy, as defined in the orders in council, against the 'tissue of coarse actual untruths' with which it had been met by the French government. And, besides admiring this country, he knew something of its ways, distinguishing between the ministry and the prince-regent's 'secret cabinet', and possessing a fair insight into the influence of the newspapers. Hopefulness is a general characteristic of his correspondence after he had, in 1803, settled down at Vienna, where he at last felt happy in the life which in his opinion made this, with perhaps St. Petersburg added, the only European capital in which life could be really enjoyed. Things had changed when, in 1814, he wrote to Metternich that the duchess of Sagan's jeremiads about Viennese society were only too true, and that faith and charity had been exchanged for selfishness and arrogance—or, more certainly, the man himself had changed; he was beginning to be worn out by the troubles and, still more, by the self-indulgences of his life; he was growing, or was persuading himself that he had grown, *blasé* towards its enthusiasms, and, as this collection of letters very fully demonstrates, was disappointed by the limits to the success of his personal career. Between these dates, he had passed through a period which included some of the most splendid of his services to Austria and Europe; but he had only slowly gained the command of the ear of the statesman destined to control for more than a generation the destinies of his adopted country. After the catastrophe of 1805 he had withdrawn,

first to Dresden, where he completed the publication which has been rightly described as his last independent piece of political writing, the celebrated *Fragments from the most recent History of the Political Balance of Power in Europe*, and then to Prague, which remained his chief place of abode till the end of 1808, and whence he seems only towards the end of his sojourn to have written to Metternich. Even after, on the failure of the Austrian war of 1809 against Napoleon, he had laid before the minister a long memorandum, already known to historians, on the condition of things in Austria, and had repeatedly placed his services at the statesman's disposal, no complete confidence was shown to Gentz by Metternich, and their personal relations varied accordingly. From the middle of 1813, however, the letters of the former continue in an uninterrupted series, and from Prague, and after the close of the year from Vienna, there flowed a constant stream of counsel, critical though deferential, and full of life and point as to every theme with which it dealt. *Inter alia*, he appears as a kind of supreme director of journalistic influences: the *Österreichische Beobachter*, in its developed form, was really his creation; the Prague papers, of much importance because of the locality of the Bohemian capital, were at one time controlled by him as censor; and the readers of the *Allgemeine Zeitung* frequently divined the presence of his particularly well-informed pen. Meanwhile, to his old pre-eminence as the public orator or herald of the state on occasions of the highest moment was added the high office of secretary to the great international congresses of the age. As he reminded Metternich in 1816, he had the honour of composing the Austrian declaration of war of 1813, as he had written that of 1809, and 'his hand held the pen in the greatest political transactions of 1814 and 1815, and performed its task in such a way that the president of the congress and chief minister of state more than once expressed to him his unrestricted approval'.

Gentz's secretarial services were again called into request at the congress of Aix-la-Chapelle in 1818. Before this, Metternich had had resort to his correspondent's expert advice in matters financial, with which the chancellor concerned himself as little as possible; and now they began—in an unhappy moment—to co-operate in a long-sustained endeavour to set back the clock in the internal political life of the nation. But though the letters of both Metternich and Gentz concerned with the Carlsbad Decrees and their causes and consequences to be found in the last hundred pages of the present volume form perhaps the most interesting part of its contents, they break off before these fateful informal conferences were finished, and may be more appropriately noticed when the publication of this part of the present collection shall have been completed. In the meantime, as Varnhagen and other political gossips have discussed the question of the actual authorship of the Carlsbad project, it may be well to note how, as early as April 1819, Gentz suggested that the 'epuration' of the German university chairs and the question of pressing preliminary measures might advantageously be discussed at Carlsbad in the summer, more important problems being reserved for conferences between representatives of the chief German courts in the winter, and the Frankfort *gremium* being, in accordance with its deserts, left out altogether.

A. W. WARD.

History of the British Army. By the Hon. J. W. FORTESCUE. Vol. vii. (London : Macmillan, 1912.)

THIS volume covers the events of the years 1809 after Corunna and 1810. It has the features of its predecessors, carries the story to the West and East Indies, the Mediterranean, and the Scheldt, and enables us to understand what a mere narrative of the Peninsular war cannot show, namely, the magnitude of the efforts made by our forefathers in many parts of the world, so that while some 200,000 men were under arms our forces in one particular place were comparatively small. It deals largely with political problems and the character of ministers. There is a supplementary volume of maps up to the high standard that is expected of Mr. Fortescue's work. But in general, as has been noticed in previous reviews, it is a history of Britain's land wars rather than of the British army.

As to the conditions of the operations overseas, Mr. Fortescue writes clearly and with more leniency towards ministers than of old. On p. 304 he puts it that the navy had an immense amount of work to do, especially in defence of commerce, and therefore continually called upon the army to reduce, and then to garrison, some nest of French privateers ; the more the strain on the navy was lessened, the more work fell to the army, and its offensive power in Europe was weakened. But Martinique and Guadeloupe were finally conquered in these years, and thus there was less need to provide a great number of recruits to the islands to fill up the gaps caused by fever ; Beckwith, having no major operations to conduct, was left with a dwindling force, mostly black troops and foreigners, and even French prisoners, for ministers wanting men for Portugal took the risk of the West Indies being weakly defended. In the east there were expeditions to Bourbon and Mauritius to put an end to privateering, and in particular the descent on Mauritius, long believed to be impossible because of the reefs, was carried out with little loss and to the great benefit of Indian commerce. Further eastwards, in the year 1811, the narrative goes on to Auchmuty's clever campaign in Java. But for India it has only to tell of unrest and mutiny, for in the period between Wellesley and Hastings the swing of the pendulum was towards peace, and neither the Company nor the Board of Control was anxious to annex.

Of European affairs the Walcheren expedition is fully treated. Mr. Fortescue does justice to the difficult position of the ministry, unwilling to weaken the army in Portugal, yet seeing the need to do something which would help the Austrians more directly and immediately. Had Prussia risen the expedition could have been sent to north Germany. But an attack on Antwerp seemed, under the circumstances, to be the only thing possible, and at least it made Napoleon uneasy. Bad weather caused delay at once, and the fatal mistake was made of neglecting to secure the south shore of the Scheldt, so that French reinforcements were sent over from Kadzand to Flushing, delayed the fall of that place, and gave time for an adequate force to be thrown into Antwerp. But even under more favourable conditions Mr. Fortescue shows that the city could not have been surprised. Nor were the leaders hopelessly incompetent. But the task was too great and co-operation between fleet and army on so large

a scale required more preliminary working out of details. It remains that the responsibility falls on Castlereagh. Yet his motive was good, for the Archduke Charles had done well beyond expectation at Aspern, and any effort to help him by distracting Napoleon was justified.

But before the Walcheren failure Castlereagh had done good service by sending Wellesley again to Portugal. Mr. Fortescue does well to call attention to the difference between the steady and the spasmodic effort, allowing for the special condition, the need to help the archduke, which governed the latter. On Castlereagh's retirement the steady policy was faithfully pursued by Perceval and Liverpool, on whose behalf Mr. Fortescue has much to say, even though Wellesley thought himself inadequately supported by them. The usual difficulties are described, the behaviour of Spaniards and Portuguese, the frequent bad conduct of the British troops and especially their drunkenness, the croaking of officers at home in England on leave, the opposition of the whigs, the dearth of ready money. Perhaps one of the best features of the volume is the defence of Moore and Craudock. Moore's opinion was that the frontier of Portugal could not be defended; Wellesley undertook to defend Portugal itself, or rather Lisbon. Moore had no good word to say for the Portuguese; Wellesley based his defence on a regenerated Portuguese army. But 'to all intent the two men were at one upon all essential and unchangeable points of the question'. As to the actual operations, it need only be said that Mr. Fortescue gives a clear picture of the fighting and sums up the results with his usual good judgement. He agrees with Professor Oman that at Talavera the whole of Mackenzie's brigade, and not only the 48th regiment, rallied the guards and Germans. He shows that both the French and the British operations on the Tagus were conditioned by the lack of supplies. He treats Craufurd's conduct at the Coa with fairness. He interprets Masséna's orders at Bussaco differently from Professor Oman. He has nothing to say in any bitter way against Napier as an historian; but is bitter against him as a whig and an admirer of Napoleon.¹

J. E. MORRIS.

¹ In the July number of 1911, in a review of volume vi, it was said that Mr. Fortescue had not adopted a new theory that Wellington owed his successes to the numerical superiority of his skirmishing line to that of the French; the reviewer added, after personal conversation with military men, that the theory was unanimously rejected. Since 1911 Professor Oman's *Wellington's Army* has come out and we know the facts on which he has based the theory, and Mr. Fortescue now adopts it so far as to say that 'Wellington designed to match skirmishers against skirmishers, so as to keep his main line of infantry intact and to meet the charge of the (French) bayonets with a volley of bullets. . . . Mr. Oman was the first to discover and to point out this most important feature in Wellington's tactics'. One new fact is that one company of the 5th battalion of the 60th rifles was apportioned to each brigade of British. But each of the three battalions of a brigade had already a light company, and to add to the normal three light companies a fourth company of rifles would not give so decided a numerical superiority to the British skirmishing line as is claimed. Also a battalion of light infantry, caçadores, was gradually added to each Portuguese brigade of four line battalions. But we must suppose that these Portuguese skirmishers covered their own brigade and did not swell the number of skirmishers covering the British. In the special instance of Ney's attack upon Craufurd at Bussaco we had been already informed by Napier that the 95th rifles (at least Napier says 'the skirmishers of the rifle corps', meaning presumably the whole battalion) and two Portuguese caçadore

1809; *Napoléon en Allemagne*. Par ÉDOUARD GACHOT. (Paris : Plon, 1913.)

THIRTEEN years ago Prince Victor d'Essling invited M. Gachot to write the history of Masséna's campaigns, and the family papers were placed at his disposal. Several volumes have been published, dealing with the campaigns in Italy and Switzerland and the defence of Genoa. The present volume no doubt owes its existence to the prominent part which Masséna played in the operations which won for him the title of prince of Essling; but M. Gachot has rightly made Napoleon the central figure, and his book covers the whole area of the war. He has taken great pains to get at the facts. He has searched the archives at Paris and at Vienna. He has been over the ground, and spent no less than five days in studying the battlefield of Aspern-Essling.

A great deal has been published about the campaign of 1809 within the last few years. The historical sections of the French and Austrian staff have described it in detail. Moltke's luminous review of it has been published in his *Militärische Werke*, and General Bonnal has examined the earlier part of it in his *Manœuvre de Landshut*. Biographies of the Archduke Charles, Berthier, and others have thrown light on it. The military student has, therefore, ample material, and he will not gain much that is of importance to him from M. Gachot's pages. The leading incidents of the war are described very vividly, but not with the thoroughness and system which are necessary for technical study. For instance, this is all we are told about the formation of Macdonald's corps when directed against the Austrian centre at Wagram :

Dans un carré long, véritable citadelle vivante, le gros de son corps tient. Broussier et la 1^{re} brigade de Séras déployés sur le front, six groupes de voltigeurs couvrent les deux flancs. Des grenadiers, le dernier échelon, serrent-sur le carré, renforçant la quatrième muraille.

Some readers will, perhaps, quarrel with the staccato style, and the copious use of notes of interrogation; but these mannerisms are the accompaniment of an artistic power of presentation which makes the author's battle-pieces alive. The grim figure of Masséna stands out conspicuous. Here is a sketch of him on Löbau, after the first failure :

Lasalle venu aux ordres fredonnait un air de danse : 'Tais-toi, malheureux ! nous sommes placés ici entre des cimetières, et peut-être à la veille de voir une nouvelle boucherie.' Confiant, le Messin lissait ses moustaches : 'Monsieur le Maréchal, nous saurons retrouver demain la victoire.'

M. Gachot points out that if the Danube had really risen 14 feet on 21 May, as Thiers states, the island of Löbau would have been completely submerged. He shows that the breaking of the bridges was largely the work of the Austrians, and he gives (in the appendix) interesting particulars about the bridges made for the second passage of the Danube, battalions were thrown out in front; but the light division can hardly be taken as typical of the whole army. Having said this, one acknowledges that the criticism in the review of volume vi was unfair towards Professor Oman, yet one hardly feels inclined to go so far as to assert that Wellington's extra company in each brigade was the chief cause of his victories.

in July. Masséna has been held responsible for the bloody affair of Ebelsberg (3 May), but M. Gachot seems to prove that he did not come on the scene till the middle of the day, when his troops were already committed, and there was nothing for it but to persevere. In speaking of the rupture between France and Austria, in the spring of 1809, M. Gachot says that Metternich did his utmost to maintain peace and bring about a good understanding. On the contrary, his representations in December 1808 did more than anything else to persuade Francis II that the time was ripe for a new war. The attitude of the Archduke Charles before the war and afterwards is explained in some interesting letters from Count Grünne to the Prince de Ligne, which are printed in the appendix. There are some good maps, but in those which have been reduced by photography from larger maps the scale is given wrongly. In the text there are many mistakes in the spelling of German place-names.

E. M. LLOYD.

Études sur l'Année 1813 ; L'Intervention de l'Autriche. Par le Vicomte JEAN D'USSEL. (Paris : Plon, 1912.)

SOME six years ago the Vicomte d'Ussel published an excellent sketch¹ of the steps by which Prussia, after the collapse of Napoleon's invasion of Russia, shook herself free from her vassalage to Napoleon and joined Russia against him. He has now followed it up with a study of the parallel movement of Austria from the position of Napoleon's ally to that of an armed mediator, prepared to throw in her lot with the allies in the more than likely event of Napoleon's rejecting her proposals. He has sketched this complicated process in great detail and with no little skill, basing his work mainly on original documents, the voluminous correspondence of the diplomatists of all the parties to the contest ; and his volume is a real addition to the literature of the period.

Metternich had made the alliance of March 1812 with France reluctantly and because no other course was open to him (p. 22, cf. p. 398) : Austria's hopelessly disordered finances urgently required a period of rest, her relations with Russia were decidedly strained, and neutrality would have been a confession of impotence. But he took good care to explain his conduct to Great Britain and to Russia, and the latter received no obscure hints that she would do well to avoid forcing Austria into a more vigorous participation in the war (p. 32). And in the campaign of 1812 the Austrian co-operation was at least lacking in energy—the Vicomte d'Ussel might well have shown how closely Schwarzenberg's operations corresponded to the spirit of Metternich's attitude. Still, when fortune declared against Napoleon, Metternich was careful not to fall in with the first overtures of Russia (p. 50) ; his first thought was to avoid a premature declaration. It is clear that all along he had in his mind the idea of establishing a European equilibrium (p. 54) ; distrusting Russia, more especially because for the moment Stein was all influential with the tsar, he did not want to see Napoleon's overthrow made the means of imposing a Cossack domination over Europe. It was because he wanted to see

¹ *La Défection de la Prusse* ; cf. *ante*, xxii. 1907, pp. 609–10.

Russia held in check, no less than France, that he was determined to see Prussia restored to a position of importance, and rejected (cf. pp. 305 ff.) the suggestions for a partition of Frederick William III's dominions, even though that should mean the recovery of Silesia.

The operations of the Austrian corps under Schwarzenberg from December 1812 onwards are well described. The Russians had hoped to get Schwarzenberg to conclude a convention which should correspond to that made by Yorck at Taugoggen (p. 146). Schwarzenberg, however, though sedulously avoiding hostilities, was not prepared to make an armistice until definitely authorized from Vienna. He withdrew his troops, with whom were the remnants of Reynier's 7th corps, partly Saxons, partly French disciplinary battalions, to the neighbourhood of Warsaw, moving parallel with the rest of the retreating Grand Army, of which his corps was by this time the least ineffective portion. At the end of January, the requisite authorization having reached him, Schwarzenberg concluded a convention with the Russians, less notorious than that of Taugoggen, but in its way no less important (p. 158). Taugoggen had let the Russians advance to the Vistula, Schwarzenberg's convention allowed them to reach and cross the Oder, for it relieved them from the fear of being taken in flank by the Austrians as they pushed on westward across East Prussia and Poland. Instead of holding on at Warsaw or retiring westwards to Kalisch, Schwarzenberg withdrew early in February to the neighbourhood of Cracow, which made the position held by Eugene and the relics of the Grand Army quite untenable (p. 171).

Metternich had thus regained military independence for Austria by practically severing the connexion between the Austrian 'auxiliary corps' and the Grand Army, though the position of Reynier's corps and Poniatowski's Poles, who were not included in the convention, gave rise to some awkward complications which led to much negotiating. Napoleon, naturally enough, was furious at this defection (p. 180), but he realized he could not afford to break with Austria immediately. This led to his overlooking many things which one might have expected to have provoked a rupture, and Metternich was able to pursue his chosen policy of preparing to take up the position of a mediator without any premature explosion. Well aware of the futility of mediation unless supported by force sufficient to secure respect, he was careful not to let his diplomacy outrun the reorganization of the military resources of Austria (p. 421), a process much facilitated by the fall in March of the minister of the interior, Count Wallis. Just about this time he scored a big success when the tsar accepted Austria's mediation (p. 254), and shortly after he concluded a convention with Saxony (p. 324), whose support he desired as a step towards forming a group of neutral mediatory powers. Russia and Prussia, having designs on Saxon and Polish territory, were incensed by this convention, but before it could produce any serious results the situation was changed by Napoleon's victory at Lützen. This caused the king of Saxony to repudiate the convention and place himself and his kingdom once again at Napoleon's disposal, a step very unpopular in Saxony (p. 549) and fatal to Metternich's group. However, Lützen did not alter Metternich's policy. By the end of March Austria had really been committed to joining

Russia and Prussia (p. 308), and the somewhat maladroitness of Narbonne, the French representative at Vienna, who saw through Metternich's intentions, only forced Austria to throw away the mask (p. 403) a little sooner than Metternich meant. The Vicomte's book thus closes with Austria's definite assumption of the position of a mediator, prepared to support her proposals with arms in the highly probable event of Napoleon's rejecting them.

C. T. ATKINSON.

England and the Orleans Monarchy. By Major JOHN HALL. (London : Smith, Elder & Co., 1912.)

MAJOR HALL has written an interesting and instructive book. It deals with a period in which the chief importance both of English and French foreign policy lies in the alternative co-operation and opposition between the two governments. He has thoroughly examined the relevant diplomatic correspondence both at London and Paris ; and his researches have enabled him to give a complete picture of the course and tenor of negotiations in most of the important points at issue. His method is with rare exceptions to allow the documentary evidence to tell its own story as far as possible. As, however, the mass of documents to which reference is made is very large, the reference is in most cases confined to a brief *résumé* of their contents. The book would have gained in clearness had the author trusted less to the unaided capacity of the reader to disentangle the intricacies of diplomacy. The arrangement is, moreover, too rigidly chronological. It would have been possible and desirable to treat the eastern and the Spanish questions as complete wholes ; it is distracting to find their several phases divided up into widely separated chapters.

The author is fully justified in his claim to have shed new light on the period, or at least to have replaced doubtful conjecture on various points by certainty. The good work which Talleyrand accomplished during his tenure of the embassy at London can now be fully appreciated. Louis Philippe stands out in unfavourable contrast. The methods and limitations of his foreign policy can be well studied in the series of half-hearted intrigues by which he hoped rather than expected to gain from Belgium some popular concession. Major Hall's account of the eastern question is equally interesting, and is written with his usual balanced impartiality. The reasons which he gives for the exclusion of France from the quadruple treaty of 1840 are conclusive, and dispose of the French charge that Palmerston was animated by an anti-French malevolence (pp. 277-8). He is less convincing in his discussion of the motives which led to Brunnow's mission (p. 254). The tsar's intention was to draw England away from France as a prelude to the amicable partition of Turkey ; not to substitute the closure of the Straits to the warships of all the powers for ' the purely illusory advantages to be derived from the Treaty of Unkiar Skelessi '. Russia was on this point making a concession, not gaining an advantage. Major Hall is in general friendly towards Palmerston's foreign policy, and is at pains to show that there was no difference in principle between him and Aberdeen ; the difference lay rather ' in their personal characters ' (p. 332). He is, however, inclined to blame Palmerston's conduct of the

question of the Spanish marriages, and to judge Louis-Philippe and Guizot with more leniency than is usual among British historians. He considers that French diplomacy was induced to throw over the agreement of Eu from a misunderstanding rather than from deliberate ill faith (pp. 401-2).

Major Hall is less well informed when he travels incidentally outside his subject. He puts the seizure by the Austrians of Cracow alternately in 1836 and 1846. He calls the writings of D'Azeglio and Balbo 'subversive' and appears to think that Metternich had a legitimate grievance against Charles Albert for permitting these two writers 'to reside unmolested within his dominions' (p. 409). It is, moreover, difficult to believe that the educated classes in Rome in 1846 absorbed with any sympathetic eagerness their essentially Piedmontese doctrines. The author might also on reflection find it inappropriate to class the extermination of the Janissaries by Mahmoud among 'reforms of a superficial character' (p. 145). He would also do well to correct in his next edition the following misprints: p. 23, l. 11, Westphaliand; p. 177, last line, great Britain; p. 312, n. 1, frien; p. 319, l. 7, bein; p. 441, n. 4, Fagau. It is a pity that the index of a book which will be largely used by serious students of history should be so lacking in detailed information. Twenty-nine lines of figures under the name of Palmerston are calculated to bewilder rather than to guide the inquirer, who will also search in vain for any reference to the treaties of the period.

C. R. CRUTTWELL.

Short Notices

ALL students of Roman epigraphy will be grateful to the publishers and editor of *Inscriptiones Latinae*, collected by Professor E. Diehl (Bonn : Marcus & Weber, 1912), for the handy volume containing, in some fifty plates, facsimiles of select Latin inscriptions ranging from the earliest times to A.D. 1455. The editor has been judicious in his choice, and the reproduction, section by section, of the walls of the Galleria Lapidaria of the Vatican and the Christian Museum of the Lateran has made it possible to include a very large number of representative monuments. Amongst the papal inscriptions we find none of Vigilius or John VII, whose monuments deserved inclusion ; but as a whole the collection is remarkably complete, the facsimiles are well executed, and the price is moderate. H. S. J.

Dahlmann and Waitz's *Quellenkunde der deutschen Geschichte* has so long been an indispensable handbook that we heartily welcome the eighth edition which has appeared under the editorship of Professor Paul Herre (Leipzig : Koehler, 1912). We regret, however, that the work has almost ceased to be a handbook. In bulk the new edition is more than twice as large as the very convenient and clearly printed revision which Steindorff published as the sixth edition in 1894. When Waitz brought out his last edition the book contained less than 4,000 numbered entries ; Steindorff added nearly 3,000 more, and the last two editions have each increased by some 3,000 numbers. The total now is 13,380. The sixth edition contained 730 pages of a small octavo size ; the eighth has 1,290 of large octavo, and of a smaller and more closely printed type. One cannot but think that a rigorous principle of selection would have kept the book within manageable limits. Many popular sketches and third-rate compilations could well have been excluded. And it is surprising that any such works have been allowed a place in the book, because the new edition differs from all its predecessors in the fact that the separate sections have been prepared by special scholars, forty-two in number, including a large proportion of the most eminent historians in Germany. On the other hand, their co-operation furnishes a sure guarantee of the excellence of the work, and in whatever part we consult it we find the original authorities and modern treatises arranged with admirable completeness and adaptation to practical use. The less important books are printed in smaller type, and, as in previous editions, illustrative monographs are placed under the heading of a principal work on the subject. Hence the total number of books included is very much greater than 13,380. The new edition of 'Dahlmann-Waitz' is worthy of its name and must find a place not only in all public libraries but also in the libraries of all students of German history.

The first volume of the *Index to the Charters and Rolls in the Department of Manuscripts, British Museum*, which appeared in 1900 (see *ante*, xv. 616 f.), has now been followed by a second (printed for the Trustees, 1912) which continues the *index locorum* for the accessions from 1882-1900. The editor, Mr. H. J. Ellis, who was jointly responsible with the late Mr. F. B. Bickley for the earlier volume, has been able to make use of his long experience to keep the new volume on symmetrical lines in all matters of detail. But this volume is in fact very much more than a supplement; for it contains a great series of most valuable headings on the religious houses, which were designedly held back from the first volume, and with them are included corporations of all sorts. This has led to a necessary extension of plan. As monastic officers are entered under the names of their houses, so it follows that bishops are given under their sees, and thus we are led on to an immense article of 75 pages which enumerates royal documents under the heading of 'England, Sovereigns'. But this apparent anomaly will cause no difficulty so soon as it is understood. The index is a work of much labour carefully performed, and it will be of the greatest use to students.

W.

Besides the difficulties always inherent in map-making, the *Cambridge Modern History Atlas* (Cambridge: University Press, 1912) labours under others peculiar to its design. Perhaps only a desire for external completeness would have suggested the addition of an atlas at all to the *History*, which is not so abnormal that it cannot be understood without a special cartography of its own; certainly nothing else can have suggested an atlas printed on the octavo pages of the *Cambridge Modern History*. A page that is suitable for a book is almost necessarily unsuitable for a map, because one does not read a map as one reads a book. Freeman's volume of maps was intended to illustrate a single-volume sketch of the changes in the political geography of Europe, and not to accompany twelve volumes of detailed domestic as well as foreign history. His maps eschewed detail, and could be printed on small pages; this *Atlas* attempts to combine minuteness of detail with smallness of page. The excellent work it contains is marred by this defect. Even when a map is printed across two pages it is almost always too small to include the information it professes to convey. The map of England (No. 16), for instance, besides being a general map, claims to indicate the bishoprics and principal abbeys; but there is no room for Westminster either as an abbey or a bishopric, and the indications have gone hopelessly astray or fallen foul of other symbols. Woburn and Dover appear as bishoprics, Durham and Ely do not; Oxford is marked as an abbey, Peterborough as a bishopric; and not a single abbey is indicated in Cornwall, Devon, or Dorset. This can hardly be due to lack of space. Nor does that account for the vagaries which disfigure the religious map of Europe down to 1560 (No. 18). Calvinism is the only heresy with which France is debited, and it is spread uniformly over the whole country, as it also is in Scotland. Ulster, curiously enough, is dashed with Anglicanism in 1560, while Munster is blankly Roman Catholic. A few dashes of Lutheran blue indicate the whole of Italy's heresy, though the Italian Socini had more disciples there than

Luther. Some colourable distinction should also have been made between Roman and Greek, without which a religious map, including Poland and Russia, is sadly misleading. The very first map is somewhat unfortunate; under the heading of 'Europe, A.D. 1490', it implies union between France and Brittany, between the Netherlands and the Austrian duchies, but none between Castile and Aragon, and it gives Calais and Guisnes to France. In No. 7 Granada is given as an independent kingdom 'in the time of Ferdinand and Isabel'. In No. 10 Transylvania is accounted Habsburg territory at the abdication of Charles V. In No. 13 the western rebellion of 1549 is reckoned as a peasants' movement, but not the Lincolnshire rising of 1536 or the Pilgrimage of Grace. Similar criticisms of detail could be made on many other maps, and the moral seems to be that an ambitious historical atlas is too serious a matter to be undertaken as an appendix; it requires as much specialization and co-operation as history itself, and perhaps no less originality. Certainly it illustrates a tenacious adherence to precedent to attempt to illustrate the recent political development of the world without the indication of a single railway or trade route.

A. F. P.

The academic thesis by Nils Åberg, entitled *Studier öfver yngre stenåldern i Norden och Västeuropa* (Norrköping, 1912), deals with prehistoric times, and as such will appeal primarily to the archaeologist. It contains an interesting account of certain aspects of the Neolithic period in Scandinavia. The author argues for a Scandinavian origin for the Neolithic culture and the megalithic monuments in Europe, and explains their diffusion by bringing the far-wandering Aryans from the same regions. His use of the typological method of investigation has perhaps led him somewhat to underrate the relatively swifter advance in the civilization of the Mediterranean littoral, but the thesis deserves the attention of all interested in the origins of megalithic culture, to many of whom the unusually full *résumé* in French will be welcome. The text is illustrated by numerous figures and some suggestive maps.

E. T. L.

The appearance of the fourth and final volume of Friedländer's *Roman Life and Manners under the Early Empire* (London: Routledge, 1913) adds greatly to the value of the work for English readers, since it contains the appendixes and notes from the sixth edition, which are a storehouse of information on the subjects with which they deal. No systematic attempt to bring them up to date was possible (though the translator adds an occasional footnote), and the presentation of evidence is therefore not exhaustive in some particulars; references to Dessau's collection of inscriptions might with advantage have been inserted when necessary, but in the absence of an index to that work this was perhaps hardly to be expected. The translation by Mr. A. B. Gough is unexceptionable.

H. S. J.

In his short study, entitled *Eusèbe Historien des Persécutions* (Genève: Kündig, 1912), M. Ernest Keller undertakes a twofold task: (1) to examine the passages in the writings of Eusebius which refer to the persecutions, to establish their continuity, and to give such an outline of the history of the persecutions as may be gathered from them; and (2) to ascertain

the view which Eusebius himself took of the contest between the church and the Roman empire. Whether it was worth while to investigate the subject of the persecutions in the light of the documents used by Eusebius, to the exclusion of all other evidence, may perhaps be doubted. And from some of the conclusions which M. Keller reaches we may be inclined to dissent; as, for instance, when he tells us that Eusebius sharply distinguished Domitian's persecution of the Christians from his persecution of the descendants of David, and that he held the former to have proceeded neither from a religious nor a political motive but from sheer cruelty; or when he says that Eusebius was doubtful about such things as the voyage of Ignatius to Rome and the Christian belief of the Emperor Philip. One is surprised, too, to notice that M. Keller (p. 40) follows Eusebius in applying to the persecution of Valerian a passage of the letter of Dionysius the Great to Domitius and Didymus which plainly refers to the persecution of Decius. Nevertheless, within the limits which he has imposed upon himself, he has on the whole done his work well. He displays considerable insight, and says many things well worth saying. To take one example, his defence of Eusebius against the charge of magnifying the number of the martyrs is excellent. The historian, he admits, has a tendency—which is by no means confined to passages about martyrdoms—to exaggerate numbers when he speaks in general terms; but when he comes to details there is no indication that he deviates from strict accuracy.

H. J. L.

In *England's Industrial Development* (London: Rivingtons, 1912) a gallant attempt has been made by Mr. A. D. Innes to perform what is perhaps an impossible achievement—to present an outline of economic history, embodying the main results of recent scholarship, which shall combine strict impartiality between different schools of thought with that unity of treatment and design which is the first essential of a popular handbook. It is natural that the latter aim should prevail over the former. In defining the central period of English economic history as one of maritime expansion, and in introducing the reader to it by a preliminary sketch of the wars with Spain and France, Mr. Innes has obeyed the instinct of the teacher and the popularizer to proceed from the known to the unknown, but he has at the same time unconsciously begged the fundamental question of economic history, by assuming that the policy of the state was the primary factor in economic development. Having once taken this point of view, which is that of the neo-mercantilist school of historians, he is readily induced to accept as simple facts what are really statements of doctrine in disguise. In speaking of monopolies, for instance, he says, 'Exclusive rights of production and sale were granted because the risk and cost of creating the new industries were too great to be undertaken without this security.' This is certainly the strongest argument for monopolies, if true; but the facts in regard to the leading monopolies, e.g. salt, starch, alum, glass, &c., are capable of a very different interpretation. So, too, the account given of the Statute of Apprentices implies a highly favourable conception of the motives that prompted Tudor legislation and of the spirit in which it was applied. To say that the act

'must have been intended to restrict wilful vagrancy rather than to provide labour, of which there can hardly have been a shortage in the rural districts so soon after Elizabeth's accession', is not to state the mere facts, but to read a view into them which is at any rate highly disputable. And the same is true of the statement that the justices in assessing wages 'endeavoured to carry out the functions of modern arbitration and conciliation boards and to set a standard which would be generally recognized as fair'. Still more questionable are the 'facts' which Mr. Innes accepts in perfect good faith from tradition and from neo-mercantilist authorities as to the policy of Edward III: 'He fostered the export of wool, but by methods that were conspicuously profitable to the royal exchequer.' It would be possible to read the facts in an exactly opposite sense, thus: 'In his desperate eagerness to raise supplies the king did serious injury not only to the export trade in wool, but also to the permanent interests of the royal revenue.' Mr. Innes cannot be blamed for adopting in a popular handbook the views most widely held by the leading authorities; but he ought to be more aware of his own point of view. His book as a whole furnishes an attractively written summary of English economic history. It is more adapted to the needs of the intelligent general reader than to those of the student.

G. U.

A little volume on *The Hindu-Arabic Numerals*, by Messrs. David Eugene Smith and Louis Charles Karpinski (Boston, U.S.A.: Ginn, 1911), will be found useful for its ample references to the literature of the early history of mathematics, which has grown to considerable dimensions in recent years, though some of the citations are not quite relevant and many are unnecessary. Thus it does not help our knowledge of the intercourse between Europe and the East to quote an instance of a visit of an English archbishop to Rome (p. 103). The two treatises ascribed to Boethius are not clearly distinguished, and we miss a reference to Professor Bubnov's discussion of the subject—the only one based on a thorough study of the manuscripts—contained in his edition of Gerbert's *Opera mathematica*, 1899, pp. 180–96. Moreover, the book is not lucidly arranged: the writers have put together their facts from their various authorities as they found them, and have not attempted to co-ordinate them or to present definite and intelligible conclusions. This is markedly the case in the chapters on zero and on the 'Boethius question', on which no new light is thrown. That N. Ocreatus who dedicated a book to Adelard was an Irishman, O'Creat (p. 55), is in the last degree improbable. The authors are to be commended for their accuracy in the transliteration of oriental words, and the reproductions of various forms of the digits are welcome. X.

Professor Hans Schreuer's *Die rechtlichen Grundgedanken der französischen Königskrönung* (Weimar: Böhlau, 1911) is a valuable study in constitutional history. By means of a careful comparison between the French and other, especially the German, coronation records, the author analyses the constitutional significance of the ceremony and its insignia. He lays stress upon the growth of ecclesiastical influence, as seen particularly in the ceremonies of crowning, anointing, and enthroning, and shows

how, while in Germany the coronation emphasized the elective nature of the kingship, in France it became declaratory of the existing rights of monarchy. The conclusions are, of course, not new, and the method is somewhat artificial, but Dr. Schreuer's precise and delicate analysis will be useful as a study of the relations between political theory and institutions. The coronation order was, until the Revolution, a sort of barometer of monarchical theory. In this connexion the best parts of the book are those which deal with election, the place assigned to the sword, the peers in France, and the growth in Germany of an electoral college from the *Krönungsfürstentum*. The last point has recently been investigated by Stutz in his essay *Der Erzbischof von Mainz und die deutsche Königswahl* (1910), and from a different point of view by Hermann Bloch. In the first section of his study, Dr. Schreuer shows how the Frankish order developed after the separation of the east and west kingdoms into two distinct groups. The imperial coronations until Henry V, with the *ordo* contained in the pontifical of Ratold of Corbie (d. 986) and the so-called order of Ethelred, carried on the old Frankish formulae; while the German formulas from the coronation of Otto as king, and the imperial coronations from Lothair to Henry VI, formed a second group which was reinforced by the mixed French orders from 1223. Dr. Schreuer has already examined the French *ordines* of 1223 and 1226 (see *ante*, xxvi. 620), and in a later paper, *Noch einmal über altfranzösische Krönungsordnungen* (reprinted from the *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte*), has successfully maintained his views against the criticisms of Dr. Buchner. The views of Dr. Buchner have induced Dr. Schreuer to examine the compilation known as the order of Louis VII more carefully, and to prove that it belongs to a still later date than that to which he had assigned it. This pamphlet also contains some interesting observations upon the ceremony of the coronations of 1223 and 1226 in the unfinished cathedral of Reims.

F. M. P.

Dr. Rae makes some ingenious and interesting suggestions in his little volume entitled *The Deaths of the Kings of England* (London: Sherratt & Hughes, 1913). It is a pity that he did not submit his work before publication to some one who could have pointed out that the leader of Richard I's mercenaries should not be identified with his unskilful surgeon; that Henry VIII, the father of some nine children, born alive or dead, showed no 'incapacity' in that respect; that William III should no longer be charged with 'the vice of secret drunkenness', and some other matters which need correction.

W. H.

Most of the important French periodicals have published critical articles upon the recent studies which the Norman millenary of 1911 inspired. In his articles, *Quelques Notes de Bibliographie Normande*, republished from the *Revue Catholique de Normandie* (Paris: Picard, s.a.) the Abbé Sévestre gives an interesting description of the celebrations and comments upon some of the literature. English students especially will share his regret that there is no great provincial review which might keep them more regularly informed on the course of Norman studies. It is

to be hoped that the congress at Rouen, and the festivities which took place last August in honour of Orderic Vitalis, may result in the establishment of a journal comparable to the *Annales du Midi* or the *Annales de Bretagne*, and a fit companion for the excellent transactions of the Société de l'Histoire normande and the Société d'Histoire du Droit normand.

Among the papers which were read in the various sections at the Rouen congress, two of the most important were those of M. Joseph Tardif upon the earliest sources of Norman law, and of Professor Haskins upon some problems in the history of Anglo-Norman institutions (Rouen, Gy, 1911). Mr. Haskins makes some interesting remarks upon the influence of Sicily, and suggests that the conqueror may have borrowed the idea of Domesday Book from the survivals of Roman cadastres 'conservés par l'intermédiaire byzantin et sarrasin dans le Sud de l'Italie et en Sicile'.

In connexion with the Orderic celebrations the Société historique et archéologique de l'Orne has published a volume of papers, *Orderic Vital et l'Abbaye de Saint-Evroul* (Alençon : Imprimerie Alençonnaise, 1912). These include a reprint of Delisle's *Notice sur Orderic Vital*, and interesting articles upon the archaeological and bibliographical history of the abbey of Saint-Evroul. The book is lavishly illustrated. F. M. P.

Only by local researches into the history of the offices of *Vogt* and *Graf* can the transition from the institutions of the early to the later middle ages in Germany be traced. Recent work upon the sources for the early history of several Swiss districts and of the Breisgau have done much (see, for instance, the late Professor Georg Caro's paper in the *Historische Vierteljahrsschrift*, 1912, xv. 1); and Dr. Walter Finkenwirth has done a similar service in his essay *Die Entwicklung der Landeshoheit der Vorfahren des Fürstenhauses Reuss, 1122-1329* (Jenaer Historische Arbeiten, ii, Bonn : Marcus & Weber, 1912). The Thuringian family of Reuss, which has maintained its independence to our own day, springs from the imperial *ministeriales* who administered the *Voigtland*, or district of Weida, Gera, and Plauen. The peculiar interest of its history lies in the fact, which is very clearly brought out by the author, that it attained its rank not through any noble connexion or in virtue of the office of *Graf*, but solely through reliance upon the position of imperial *Vogt*. The family was 'unfree', and was in part subject to the landgraves of Thuringia. By means of their judicial rights, which, as imperial officers, they retained over the small territory which came to them, the various members of this house gradually founded a claim to be immediate vassals of the empire. Assisted in the thirteenth century by the emperors who were opposed to the house of Wettin, the family of Reuss finally received a golden bull from Lewis of Bavaria in 1329, and were legally established in their princely rank. F. M. P.

In a reprint from *Transactions of the Connecticut Academy of Arts and Sciences*, xvii, entitled *The Date of the Ruthwell and Bewcastle Crosses* (Yale : University Press, 1912), Professor A. S. Cook, after examining the various opinions on this vexed question and offering additional material for consideration, concludes in favour of the twelfth century,

towards which the paper exhibits a marked bias throughout. His contention that the crosses owe their existence to David I of Scotland largely depends on the acceptance of the linguistic and artistic evidence for the twelfth-century date. That David I was an active patron of the church and builder of abbeys is incontestable, but it is doubtful whether the long lists of parallels from Norman art which Professor Cook marshals in support of his theory do not rather favour, by virtue of mere comparison, the earlier dating. The few examples cited from the seventh and eighth centuries—and many others exist—are much more convincing. Apart from the question of contestable readings of the runes on the Bewcastle cross, Professor Cook would seem to have ignored the authority of such works as Mr. O. M. Dalton's *Byzantine Art and Archaeology*, to which reference is made in Mr. Lethaby's article in the *Burlington Magazine* for 15 June 1912, from which Professor Cook has quoted. The paper is accompanied by excellent illustrations of the two crosses. E. T. L.

A second part of Dr. Adolf Hofmeister's *Studien über Otto von Freising*, which we mentioned last year (xxvii. 395), has been published in the *Neues Archiv für ältere deutsche Geschichtskunde*, xxxvii. 2, 3. It continues the survey of the intellectual influences which prevailed when Otto was a student in France, and treats in particular of Abaelard, Gilbert of Poitiers, Hugh of St. Victor, Adam of Petit-Pont, and Theodoric of Chartres (in connexion with the extended knowledge of Aristotle). Dr. Hofmeister then deals with Otto's linguistic knowledge and his acquaintance with theological and philosophical literature and with the Bible, as well as with secular literature; and concludes with a discussion of his position as a Cistercian and of his relation to Bernard of Clairvaux. The work is an important contribution to the history of learning and thought in the twelfth century.

R. L. P.

Zur Frage des Ursprungs der mittelalterlichen Zünfte, by Dr. Walther Müller (Leipzig: Quelle & Meyer, 1910), is the twenty-second of the *Leipziger Historische Abhandlungen*. It reopens the question of the relation between the early medieval associations of artificers and the fully fledged guilds of the twelfth century. Dr. Müller is flatly opposed to Professor von Below's view that the guilds had no connexion with earlier associations, and is not satisfied with Professor Keutgen's attempt to find an early origin in the *Aemter* and the merchant law which they implied (see *ante*, xix. 762). It should be noticed that Dr. von Below has restated his view in a recent number of the *Historische Zeitschrift*. Dr. Müller feels as Dr. Keutgen felt, that 'associative impulse' is not a sufficient explanation of such an important development, yet at the same time he thinks that the evidence brought forward by the *hofrechtliche* school has not been properly stated. His analysis of the various types of craftsmen in the early middle ages (pp. 19–55) is the most important part of his essay, although recent criticism of the *capitulaire de villis* may make some revision necessary. He agrees on the whole with the view that the early associations and *officia* were supervised and only gradually became free, but he looks to the dependants who were not part of the feudal household as the essential

element in these organizations. Although all handworkers acquired the right to trade, those who owed definite services or rents were naturally more important than the household dependants. Dr. Müller goes further than Dr. Keutgen in regarding all the associations and local groupings of craftsmen as created and directed by the lord. He is somewhat less convincing when he tries to trace the growth of the later guilds, although he uses the customs of Strassburg with effect (cf. *ante*, xxvi. 571). The essay contains a very clear and useful survey of the whole problem. In the appendix the author rejects the date usually assigned to the *Urbarium* of Saint-Riquier, and shows that it probably belongs to some period before 1125, when the abbot's men were granted a commune by Louis VI. Another long note discusses the nature and origin of the French payment, the *hasbannum* or *hallbannum*.

F. M. P.

Dr. Fritz Kiener's *Studien zur Verfassung des Territoriums der Bischöfe von Strassburg, I: Die Entstehung der Gebietsherrschaft* (Leipzig: Quelle & Meyer, 1912) were, as the author himself informs the reader, completed years ago, and a lack of revision may possibly be seen in the somewhat short and simplified reference he makes to vexed questions of modern research such as, e.g. the extension and development of *immunitas* and *advocatio*. But as he generally uses theory as a background only for what is mostly a matter of fact narrative drawn largely from unprinted material at Strassburg, Colmar, and Karlsruhe, his book will rank as a most valuable contribution to a branch of study which has almost come to make a new departure in the history of the German constitution. The chief lesson we are again and again taught, viz. that the public institutions of the Frankish empire, so far from vanishing before the formation of the territorial states, have been the predominant element in this process, is strikingly confirmed by the example of Strassburg, where agrarian and feudal lordship seem to have had the very slightest effect upon the growth of sovereignty compared with what is here rather inadequately termed 'Herrschaft', i.e. delegated public power. Perhaps, if questioning on the one hand the rather too literal interpretation of the franchises in the famous Dienstrecht (which after all was a feudal law), one might on the other lay even greater stress on the popular and corporative side of a jurisdictional organization which, whether finally constituted as 'Mundat' or 'Vogtei', or hundred or local ban, is always clearly a direct remnant or fraction of the Carolingian county government.

C. B.

Dr. Frank Burr Marsh, in his book on the *English Rule in Gascony, 1199-1259, with special reference to the Towns* (University of Michigan Historical Studies, 1912), has undoubtedly undertaken a task of great importance and has broken a good deal of almost new ground. The early history of our Gascon possessions has been practically untouched by modern writers, until we come to the masterly sketch of Simon de Montfort's rule, which we owe to M. Bémont. Dr. Marsh has shown how extraordinarily useful are the calendars of our Close Rolls and Patent Rolls, and from them and from the printed portion of the Gascon Rolls he has been able to fill up gaps in the history of events, which the sparse accounts of

contemporary chroniclers have left in plenty. He has emphasized and proved beyond doubt the importance of the Gascon towns in maintaining the English power in the south-west, and his sketch of the influence of their geographical position on the policy of the chief commercial centres is original and illuminating. He has a useful chapter also on the internal quarrels in the towns, which are very seldom sufficiently understood. His book would have been more interesting and more useful had it contained an introductory chapter on the extent of the English possessions at different dates, and also on the general character of the towns and their governments. For lack of this, one side of royal policy, though not exactly omitted, is not very apparent, namely, the control which the rulers gained little by little over the municipal constitutions, which had at first acquired far greater independence than they were able to maintain, and the gradual extension of an organization similar to that of the *Établissements de Rouen*. In the history of Bordeaux the author might have made more use of the municipal archives, the *Livre des Brouillons* and the *Livre des Coutumes*, which are very little mentioned; and the *Livre des Établissements de Bayonne*, which supplements the documents printed by Balasque and Dulaurens, is not mentioned, even in the bibliographical notice. In pointing out the great importance of Bordeaux, also, more stress might have been laid on her influence over the smaller towns, which formed almost a small urban federation in the succeeding period. This is implied in the geographical explanation, but only very shortly put. In the bibliography it should have been noticed, in speaking of the work of Martial and Jules Delpit upon the Wolfenbüttel manuscript, that considerable extracts of the document have been published in the *Archives Historiques de la Gironde*, vols. iii and v. This collection also includes some special documents bearing on municipal history, such as the *Esclapot de Monségur* (vol. v), the *Cartulaire de la Réole* (vols. ii and v). The spelling of names is not always consistent. It might not be obvious to those unused to Gascon documents that 'Amaneus Lebre', on p. 89, was the same man as Amaneus d'Albret as he is called elsewhere; and 'the Labour', instead of Labourd, on p. 114, is probably only one of several misprints which have been overlooked, but it is puzzling for the moment. The translation of *questam* as 'profit', on p. 98, is inaccurate. The word practically corresponds to our *tallage*. In the particular case it seems to be used for a royal tax; but the term was originally applied to the arbitrary payments, which could be collected from the serfs, or *hommes questaux*, as they were called in Gascony. On the whole, however, the book is very carefully written and the assertions are well supported by documentary evidence.

E. C. L.

Dr. Ludwig Pabst's Jena dissertation, *Die äussere Politik der Grafschaft Flandern unter Ferrand von Portugal* (Brussels: Weissenbruch, 1911) is another addition to the numerous studies upon the history of the Low Countries during the important reigns of Philip Augustus in France and of the Emperor Otto (cf. *ante*, xxiv. 610; xxvi. 619). It adds little to general knowledge of the crisis of 1214, but English students will find in its pages a good account of Anglo-Flemish relations between 1200 and

1233. Dr. Pabst has worked under the direction of Professor Alexander Cartellieri, and his work is careful and accurate. It is preceded by a valuable bibliography. Y.

The short chronicle of Monembasia was first edited from a Turin manuscript by Pasini, and afterwards from two Athos manuscripts by Professor Lampros. Mr. Beës has published the three texts in parallel columns—that of the Taurinensis from a new collation, and has exhaustively examined the sources of the work (Τὸ “περὶ τῆς κτίσεως τῆς Μονεμβασίας” Χρονικόν, αἱ πηγαὶ καὶ ἡ ἱστορικὴ σημαντικότης αὐτοῦ. Extract from the *Βυζαντίς*, vol. i. Athens, 1909). He has corrected some of the conclusions of Lampros, and has established that the chronicle was compiled after A.D. 1340. Especially interesting is his discovery that the compiler copied some extant inscriptions at Mistra. J. B. B.

To the three monographs on the history of Catalan Greece, noticed by us three years ago,¹ Don Antonio Rubió y Lluch has now added a fourth upon ‘the governments of Matheu de Moncada and Roger de Lluria in Catalan Greece (1359–70)’. This last paper, extracted from the *Anuari de l’Institut d’Estudis Catalans* at Barcelona (1912), is based, like all his work, upon a conscientious and painstaking study of the archives of that city, in which he has laboured for so long, and further utilizes all the known materials for this subject. It can only be hoped that the learned historian will ere long give us that complete history of the Catalan period of Greek history, from which he has made all the preliminary studies. The esteem placed upon his researches in Greece is evidenced by the appearance of a Greek translation of his monograph on ‘the Catalan castles of continental Greece’—Περὶ τῶν Καταλανικῶν φρουρίων τῆς Ἡπειρωτικῆς Ἑλλάδος, by K. G. N. Mavrákes (Ἐν Ἀθήναις, “Ἑστία,” 1912), with admirable illustrations. W. M.

At one time Machiavelli suffered from the critics who attended only to the *Prince* and neglected the *Discourses* and the *History of Florence*. Though this is no longer the case, he often suffers now by being taken out of relation to his predecessors and contemporaries, and there is room for further inquiry how far his political ideas and his conception of history are affected by such comparison as the recent investigation into his sources has made possible. Dr. E. W. Mayer, in his *Machiavelli's Geschichtsauffassung und sein Begriff Virtù* (München: Oldenbourg, 1912), is anxious to avoid repeating what has been said by others, and the result of this caution is, as he himself admits, to cause his work to seem like a series of notes on separate questions, only united by the general connexion of their subject-matter. This characteristic is, however, rendered less unsatisfactory by a full table of contents at the beginning of the volume, and by a most useful index of Italian words at the end. Any one who makes use of that index will easily find his way to representative passages in Machiavelli's writings and also to modern works dealing with the questions arising out of them. Dr. Mayer does not err on the side of undue expansion; on the contrary, he is sometimes so short that his

¹ *Ante*, xxv. 812.

conclusions are not quite obvious, and he is often content (especially on questions dealing with Machiavelli's relation to classical sources) to name alternative views of modern scholars and express no preference himself. The book is to be regarded for the most part, in spite of its shortness, as a work of reference; such sections as the one containing an interesting collection of passages bearing on the use of the word *stato* are valuable rather for their material than for the clearness of their result. But the author makes definite contributions to the solution of certain problems: his treatment of the relation of Machiavelli to medieval lines of thought is particularly useful, and he shows clearly how little success can be attained by any attempt to smooth over or minimize the contrast between Machiavelli's ethical and political notions. It is to be hoped that Dr. Mayer may investigate some of these questions on a broader scale, and produce his results in a form where he is less hampered by a laudable desire not to repeat what has been proved already. Z.

The name of Dr. O. Clemen as editor is sufficient guarantee that the new edition of *Luthers Werke in Auswahl* (Bonn: Marcus & Weber, 1912-13) will be well executed. The selection is intended for the use of students rather than scholars. It aims at giving specimens of the very varied classes of Luther's writings, excluding, however, the definitely polemical works which can only be effectively studied in conjunction with their antitheses. Of the four volumes projected three are now published. The first (1517-20) begins with the famous theses and goes on to the *Resolutiones* and sermons to which they gave rise; including also the appeal to the German nobles and the *De captivitate Babylonica*. In the second (1520-4) the principal piece is the *De votis monasticis*; in the third (1524-8) the *De servo arbitrio* and the *Bekentnis vom Abendmahl*. Each item has a brief introduction, giving the necessary details of origin, but not an epitome; and there are a few critical and explanatory notes, the former resulting from a collation of some of the earliest editions. P. S. A.

'Ce fameux Zuingle avait paru plus zélé pour la liberté que pour le Christianisme. Il croyait qu'il suffisait d'être vertueux pour être heureux dans l'autre vie . . . Il s'est trompé sans doute: mais qu'il est humain de se tromper ainsi!' With these words Voltaire (*Essai sur les Mœurs*, ch. cxxix) started the legend, still current, that Zwingli was the liberal and rationalist of the Reformation. In fact, save in his doctrine of the Eucharist, he was less modern than some of his rivals. Yet he was a figure quite sufficiently important to make welcome the translation of his works into English now offered by Professor S. M. Jackson (*The Latin Works and Correspondence of Huldreich Zwingli*, vol. i. New York: Putnam, 1912), whose death last summer will not prevent the prosecution of the work, now to be continued under the guidance of Professor W. W. Rockwell. The editing, based on the new Swiss publication of the reformer's writings, is adequate. In saying 'What priests and monks and nuns take is not a vow of chastity, but of celibacy' (p. 166), Professor Jackson chose a form of words which would not seem to imply that marriage was unchaste. But this rendering of the *castitatem voveo*

is not felicitous, for it might lead the unwary to suspect that the clergy were free to enter into what relations they chose outside of marriage. Though reasonably accurate, the translation is not unexceptionable. Myconius did not intend to say that 'Zwingli was spoken of as God', but 'as a god' (p. 1). 'Eidgenossenschaft' should be rendered 'confederacy' as it is in the title of the tract translated on pp. 166 ff., and not 'assembly' as it is throughout that work. 'Heil' in a quotation from Rom. i. 16 (p. 167) is assuredly 'salvation' rather than 'welfare'. A few misprints have been noticed: *προδλαμβάνεσθαι* (p. 127); 'Querale', for 'Querela' (p. 130). P. S.

In *Die Schule Johann Sturms und die Kirche Strassburgs* (*Historische Bibliothek*, vol. xxvii, Munich: Oldenbourg, 1912) Dr. Walter Sohm deals with the conflict in Strassburg throughout the sixteenth century between the ideals of the humanists and the reformers. After a highly philosophical disquisition on the fundamental accord between the ideals of school and church—the 'vir bonus et doctus' and the 'sapiens et eloquens pietas' into which the humanists developed the classical traditions of eloquence, harmonizing with the conception of a church of faith and love—he traces the rise and fall of Sturm's school through the unstable times of reconstruction that followed the first triumphs of the Reformation. Amidst the clash of rival dogmas and the personal contentions of men like Bucer, Hedio, Marbach, Zanchi, Pappus, the mystical conceptions of Sturm could not take root; and the narrative is followed to the final victory of Lutheranism in 1581 and Sturm's death eight years later. The book has a very full table of contents, but no index. P. S. A.

M. J. Laferrière's *Étude sur Jean Duvergier de Hauranne, Abbé de Saint-Cyran* (Paris: Picard, 1912), is not a complete examination of all the evidence relating to St. Cyran, but a series of essays, somewhat slight in character, dealing with four important aspects of his career: (1) the formation of his character and opinions (1581–1617); (2) his early struggles (1617–33); (3) his direction of Port-Royal (1633–8); (4) the period of his imprisonment (1638–43). M. Laferrière devotes especial attention to the early portion of the life of Duvergier, which has hitherto been but scantily explored by historians of Jansenism and Port-Royal. The doctrinal influence of Justus Lipsius upon St. Cyran is specially emphasized, and a full account is given of the latter's relations with Jansenius and the evolution of his final attitude towards contemporary catholicism. Being in complete accord over 'la doctrine de Saint Augustin', St. Cyran encouraged Jansenius to publish his notes on the subject, and it is suggested that they even made a joint abstract of the most important chapters of the *Augustinus*. M. Laferrière believes that St. Cyran regarded Port-Royal 'comme champ d'expérience'; he was able there, he says, to cultivate his principles and 'jeter à pleines mains les germes de sa doctrine'. The nature and expression of his views may be learnt from *les pièces du procès* examined in the latter part of this volume, which deals with St. Cyran's arrest and the inquiry which preceded his imprisonment. According to Zamet, who must, however, be considered as a prejudiced witness,

les pensées les plus secrètes de Saint-Cyran sont celles-ci: Le concile de Trente n'était pas un vrai concile; le sacrement de pénitence n'efface pas les péchés; la

communion a plus de vertu que la confession pour effacer les péchés et disposer à bien mourir ; . . . la confirmation, l'ordre, la consécration épiscopale effacent les péchés aussi bien que le baptême ; les paroles de l'absolution ne sont pas *opératives*, mais *déclaratives* seulement ; la contrition parfaite est absolument nécessaire au sacrement de pénitence, l'attrition ne suffit pas.

This is more or less typical of the charges brought by other witnesses against the abbé. In pronouncing judgement upon St. Cyran, M. Laferrière describes him as a 'réactionnaire contre l'esprit de son siècle', whose 'intervention a eu pour résultat d'entraver le magnifique élan de réforme religieuse qui, dans la première moitié du XVII^e siècle, faisait jaillir partout des sources nouvelles de vie chrétienne'—a severe criticism which indicates a special point of view. A number of extracts made from sixteen letters contained in the collection of copies of letters from St. Cyran to the Abbé de la Trappe (pseudonym of Antoine Arnauld) in the MS. 17802, fonds français, in the Bibliothèque Nationale, are printed at the end of this volume. These letters mainly relate to the *Fréquente Communion*, and confirm what is already known upon the subject of its composition. Of the three letters quoted in full, the two first were abridged by M. d'Andilly in his *Œuvres chrétiennes et spirituelles de Saint-Cyran* (1679), the third has been published by Rapin, Lancelot, and Hermant. M. Laferrière appears to doubt their authenticity, but gives no adequate reasons for doing so.

C. E. M.

In his pamphlet on *John Penry, the so-called Martyr of Congregationalism as revealed in the Original Record of his Trial and in Documents related thereto* (London : Frowde, 1913), Mr. Champlin Burrage has recovered in its original form the account of Penry's trial in 1593 ; and in publishing it he adds to the debt which students of the early history of nonconformity owe to him for his researches. The gist of it was already known from Coke's *Booke of Entries* ; but it is more satisfactory to have it in the present shape, and the editor has given a useful little introduction and supplement. The publication is valuable, though it does not materially alter our view of the circumstances. Mr. Burrage disapproves of the title 'Martyr of Congregationalism'. This perhaps is a little hypercritical. No one ever supposed that Penry, or any one else, was condemned on a charge of being a nonconformist. The title is a popular one, but in that sense it remains as applicable as it was before. It was Penry's dissent from the established form of religion which made him come first under the Act of Uniformity, and then, through his bitter writings, under the further act about seditious writings. It would, however, be a distinct mistake to say that he was a martyr for the cause of religious toleration. On the contrary, part of his complaint against the established church is that it is too tolerant. Elizabeth made a great move in the direction of toleration by her refusal to inquire into people's beliefs, provided that they conformed externally to the demands of the laws. Accordingly her government is blamed by Penry not only because 'we your subjectes thys daye are not permytted to serve our god accordyng to hys worde', but also because we 'ar solde to be bondslaves not only to our affections, to do what we wyll, so that we kepe our selves within the

compasse of establysshed Cyvell lawes, but also to [be] seruantes vnto the man of synne and his ordynaunces'. Penry, therefore, followed the usual line of the nonconformity of his day, which was seeking not toleration, but only the substitution for the existing order of a rival and less tolerant church polity. This must not be forgotten in estimating the action taken by the government against him, however much it may seem harsh when judged by modern standards.

W. H. F.

A new volume of the Cambridge Geographical Series, dealing with the *History of Geographical Discovery in the Seventeenth and Eighteenth Centuries* (Cambridge: University Press, 1913), has been prepared by Mr. Edward Heawood. The period overlaps at the beginning the age of great discoveries, and at the end the age of scientific exploration: it includes the voyages of Tasman and those of Cook and Vancouver. As these names suggest, the most striking achievement of the period was 'the unveiling of the great Pacific Ocean'. By land there was perhaps nothing more important and interesting than the advance of Russia over the wide plains of Siberia. Mr. Heawood's record approaches the dimensions of a catalogue of voyages and travels, which renders it less readable, but enhances its value as a work of reference and a guide to researchers. In spite of Mr. Heawood's avoidance of the political side of geography, historians will find it useful to have in such small compass so complete a record of discoveries. The volume is equipped with a good index and a number of old maps; in future editions misprinted dates should be corrected at p. 119, l. 10; p. 225, l. 8; and p. 392, l. 23.

J. M.

The opening volume of the collection of *Letters and Papers relating to the First Dutch War 1652-4*, edited by the late S. R. Gardiner, was reviewed in this Review in October 1899 (xiv. 780). The fourth and fifth volumes, under the able editorship of Mr. C. T. Atkinson (Navy Records Society, 1910-11), cover the period from the battle of Portland on 18 February to the engagement off the Texel on 31 July 1653, in which Tromp lost his life. The records of these months, therefore, consist not only of narratives of actions at sea, but relate also to the preparations carried on by both countries in the intervals, and it is probably here that the chief importance of these volumes will be found. As far as the actual engagements are concerned, the main interest centres in the personalities of the rival commanders and in the strategy which they adopted. In this connexion, the outstanding features, as marking an important point in the development of naval tactics, are the 'fighting instructions' issued by Blake, Deane, and Monck in April of this year (iv. 262-73). In comparing the English commanders with Tromp, Mr. Atkinson takes the view that the only respect in which the latter held a marked superiority was seamanship, but it is clear that the English successes were very largely due to circumstances over which the commanders themselves had little control. To some extent both belligerents laboured under similar disadvantages in their preparations at home, and there are frequent allusions on the English side to the problem of obtaining men in view of the un-

popularity of the service and the superior attractions offered by owners of privateers and merchant ships. The administration on the Dutch side was more at fault, and the commanders had in addition to face the danger caused by a noticeable lack of courage on the part of subordinates. Of considerable interest also are the letters dealing with the provision made by the English authorities for the sick and wounded. G. B. T.

In the *Transactions of the Historic Society of Lancashire and Cheshire*, 1911, are printed some interesting papers taken from a manuscript volume known as Sir Roger Bradshaigh's Letter-book. Sir Roger Bradshaigh of Haigh, near Wigan, was one of the deputy-lieutenants for Lancashire during the period which immediately followed the Restoration, and the papers which are now published relate to the exercise of his official duties at that time. They are divided under the three heads of Defence, Sedition, and Nonconformity, and many of the letters provide interesting illustration of the local effect of contemporary politics. They show, for example, the nervousness of the authorities at the possibility of hostile risings. On the other hand, there is little evidence of persecution. G. B. T.

Dr. Hans Rödning's pamphlet on *Pufendorf als Historiker und Politiker in den Commentarii de rebus gestis Friderici Tertii* (in *Fester's Historische Studien*, ii. Halle: Niemeyer, 1912) deals not only with the work mentioned in the title, but also with its predecessor, the *History of the Great Elector*. It proves by a comparison of Pufendorf's text with the original sources preserved in the Berlin archives or published in the *Urkunden und Aktenstücke*, that from the time of Brandenburg's secret transition to Louis XIV in 1679 the famous historian, who was afterwards accused of dangerous outspokenness by the electoral government, in reality modified his narrative from political considerations: thus he softened down discreditable facts, such as Frederick William's alliances with France or the secret engagement of Frederick, when electoral prince, to restore the district of Schwiebus which had been taken from Austria by his father; or else he altogether omitted negotiations of possible importance for the future, such as the efforts to acquire Swedish Pomerania by means of an alliance with Denmark and a private intrigue with the ex-Queen Christina. The argument, so far sound and convincing, becomes less successful when the author tries to maintain against Fueter that Pufendorf's style evinces personal judgement as much as diplomatic reserve. Just where one distinguishes traces of sympathy and satisfaction, as e.g. in the famous paragraphs on the English revolution or in those on the first national policy of Frederick III, the clumsy heaviness of the Latin of a lawyer and a scholar is most striking. Certainly he was no Gundling, but for all that none the less the official historiographer of a court and a state. In n. 3 to p. 80, a rather ill-conceived refutation of Pribram, President Danckelmann appears to be mixed up with his brother, the envoy at Vienna. C. B.

Mr. C. E. Lart has published, through the St. Catherine's Press, London, two volumes of *Jacobite Extracts of Births, Deaths, and Mar-*

riages, from the parochial registers of Saint-Germain-en-Laye. Volume i (1910) covers the period from 1689-1702, and volume ii (1912) from 1703 to 1720. The book, which is beautifully printed, will be consulted chiefly for genealogical purposes, but its pages supply considerable information about the domestic life of the exiled court from January 1689 to the death of Queen Mary of Modena in 1719. In a useful introduction to each volume, Mr. Lart points out both the historical and the personal importance of the documents. It is a sad story, and an additional element of pathos is to be found in such comments as that 'the records are full of burials *par charité*', and that 'the death-rate among the children is specially noticeable'. There are many entries relating to Quakers (*Trembleurs*), especially in the earlier years, but fierce religious persecution led them to leave France. Mr. Lart traces the maleficent influence on King James's fortunes of this continuous persecution. Among some documents printed in appendixes is the death-bed attestation of Mrs. Wilkes, the midwife of Queen Mary, that the prince of Wales was the queen's son. The declaration was witnessed, among others, by the duke of Berwick.

A.

Dr. Fritz Arnheim in part i of *Der Hof Friedrichs des Grossen* (Berlin : Voss, 1912) gives a full description of the court of Frederick as crown prince. The volume deals with the surroundings of the prince in his boyhood and during the time of irksome restraint at Küstrin. New sources have been drawn upon to illustrate the mad pedantries of Frederick William I in his scheme of education and during the Küstrin period. The love passages of the year 1731 afford curious proof of the susceptible and passionate nature of the prince, a characteristic which explains the almost complete loss of self-possession towards the close of the battle of Kunersdorf and during the preparations for the battle of Hochkirch. One of the most useful portions of the volume is the list of authorities for various personages and episodes connected with the subject.

B.

In his address, *Sui Caratteri fondamentali della Filosofia politica de Rousseau* (Genova : Tipografia Carlini fu G. Batta, 1912), Professor Giorgio del Vecchio merely repeats conclusions arrived at by himself and by other scholars in works previously published. With much that he says nearly every one will agree. He points out once more how Rousseau used in new senses the phrases current in the philosophy of his time, how clearly he indicates the non-historical character of the social contract, and how reluctant he would have been to allow that the effect of the conversion of natural into civil rights is to destroy liberty. The parallels with Kant will be useful to those who have not realized how Rousseau was feeling his way, at any rate in some of his moods, towards a theory of the state not unlike that of Kant. But the defenders of Rousseau have much to do before they can convince the ordinary man that Rousseau was not fundamentally an inconsistent thinker who took little trouble to procure an intellectual basis for his opinions; and this short pamphlet, with its optimistic and occasionally rhetorical estimate, will not help in that direction.

C.

In a new volume of the Harvard Historical Studies Professors Edward Channing and A. C. Coolidge have printed a number of letters exchanged between Sir Francis Bernard, governor of Massachusetts Bay, 1760-9, and his wife's cousin, Lord Barrington, the secretary at war (*The Barrington-Bernard Correspondence*; Cambridge, Massachusetts, 1912). The editors take the usual view that Bernard contributed to the crisis by his 'incapacity', 'lack of tact and harshness of utterance'. In 1762, on the occasion of his first 'fall from colonial grace', Bernard explained his opinion that governors impaired their own authority by interfering in the provincial councils. 'When I came here I found the province divided into parties so nearly equal, that it would have been Madness for me to have put myself at the head of either of them. I had therefore nothing to do but to keep myself & maintain my own Dignity.' Accordingly, when a bill was passed to mitigate the objections to general search-warrants, Bernard took the opinion of the judges in the presence of the council, and (in his own words) 'gave it a more solemn condemnation than it deserved'. Bernard was opposed to the taxation of the colonies by act of parliament. In 1765 he urged that the first step ought to be to reform the colonial governments on the lines of that of Ireland under Poyning's act; such a uniform system might be established by act of parliament if American representatives were admitted *ad hoc*; they could then be dismissed, ' & left to attend their own legislatures, which will then know the Bounds of their own Authority.' Later, in 1768, he thought that the ground could be cut from under the feet of the agitators by allowing the Americans representation, and then taxing them by the authority of parliament. 'The Idea of it greatly enlarges my View of the Grandeur of the British Empire. . . . If this were done there could be no Dispute about American Rights and Priviledges; and an Opposition to Great Britain would have but one Name.' The project was very coolly dismissed by Barrington: 'Without entering into that subject, I may venture to say that the proposed expedient is impracticable, as no Influence could make ten Members of either House of Parliament agree to such a Remedy.' Bernard became increasingly anxious for a more comfortable and profitable appointment. He was disappointed of a proposed transfer to Virginia in 1768, but the publication of his official letters in 1769 made recall almost imperative. Over 120 letters (averaging under two pages each) are reproduced literatim, and some other illustrative documents are added in four appendixes. The perspective for the extracts is supplied by a terse and scholarly introduction.

J. M.

We have received the twentieth and twenty-first volumes of M. Aulard's monumental *Recueil des Actes du Comité de Salut public* (Paris: Imprimerie Nationale, 1910-11) which cover the period of February and March 1795. Since the Thermidorean reaction set in the interest of the work of the committee has certainly paled, and the organization of victory in spite of fearful odds is reaping its fruits; and as in the biography of a self-made man, prosperity does not entrance the student as do the early struggles. Moreover, as the influence of the committee had been greatly curtailed since Thermidor, its work is confined mainly to military

and diplomatic spheres. In this respect it is unfortunate that the dispatches of ambassadors to the congress of Bâle have not been included in the collection. Their presence would have added to the completeness of these great volumes of reference for the work of the committee, even though it would have enlarged their bulk, but the price paid would have surely been worth it to the student, who now has to hunt elsewhere in order to follow completely the diplomatic story of the treaties of 1795. But we must not gracelessly look a gift horse in the mouth: rather, we would once more express our gratitude to the French government and the learned editor for these invaluable helps to the history of the French Revolution.

L. G. W. L.

M. Gustave Laurent shows abundant knowledge of the revolutionary period in his edition of the *Notes et Souvenirs inédits de Prieur de la Marne* (Paris: Berger-Levrault, 1912). The introduction is clear and to the point, while the notes explain obscure points in the text of the documents: these are now published from sources deposited in the library at Reims. Prieur was a deputy at the states-general and at the national convention, becoming president of the latter on 1 Brumaire, Year III, and his notes on the doings of these assemblies preserve a certain amount of freshness. As he was often 'on mission' there were till now few traces of him in writing, but M. Laurent prints accounts of his work in La Vendée. In the reaction after the insurrection of Prairial, Prieur was sent before a popular commission, but fled for his life. The part of the book dealing with his exile is less valuable than the rest.

R. H. M.

In his book on *Marshal Ney* (London: Methuen, 1912) Mr. Hilliard Atteridge gives a fairly full narrative, especially for the earlier part of Ney's life down to 1807, for which the author was able to draw upon General Bonnal's elaborate work, and he supplies an interesting account of the marshal's career. What one misses in it is a critical treatment of the development of Ney's military genius. He was a typical instance of the revolutionary soldier who rose from the ranks to the highest command. He was lucky enough to learn the art of war in the school of Kléber on the Rhine. The military system of republican France tended to substitute the practical training of actual service for the theoretical knowledge of military science, which can only be attained by years of profound study. Ney seems to have been an able tactician. He early won a reputation as a 'partisan' leader, and as general of brigade and division displayed those qualities which won him immortal fame when covering the retreat of the grand army from Moscow. Moreover, he held decided views on the subject of tactical science. But as a marshal he developed a strain of insubordination. Besides quarrelling with Murat and Masséna, on at least two occasions he brought down upon his head the wrath of Napoleon. Like so many of the imperial marshals, he failed his master when confronted with circumstances of unwonted responsibility. Both at Bautzen and Dennewitz he was weighed in the balance and found wanting. The same might be said of his conduct in the Waterloo campaign, but the author has clearly shown how he was placed at a great disadvantage owing to his uncertainty as to the emperor's

attitude towards him. On pp. 89 and 90 Mr. Atteridge three times writes 'above' Ulm when he plainly means 'below'. On p. 183 for 'Tarragona' should be read 'Tarazona'. W. B. W.

Mr. P. H. Van der Kamp's *Oost-Indië's Herstel in 1816 naar oorspronkelijke Stukken* (The Hague: Nijhoff, 1911) is in continuation of the author's work entitled *De Teruggave der Oost-Indische Kolonien, 1814-1816*, and after an introduction in which the events leading up to the restoration of the East Indies to Holland are summarized, gives an account in great detail of the taking over of the government at Batavia from the English in accordance with the agreement of 23 July 1816, the establishment of the Dutch administration, the transfer of the district administrations in Java, and of Makassar with Timor, Palembang and Banka, and Bandjermasin. The new administration found many difficulties, for which they were often disposed to blame the English authorities, whose removal was not as expeditiously effected as was desired, but ultimately the re-establishment of Dutch government was successfully carried through. At the end of the volume some documents, chiefly private correspondence addressed to Goldberg, the head of the colonial office, are printed. Mr. Van der Kamp appears to have worked his sources very thoroughly. H. L.

There is hardly anything of general historical interest in the biography of the well-known Prussian and German diplomatist *Kurd von Schlözer* (1822-94), by his nephew, Dr. Paul Curtius (Berlin: Eisen-schmidt, 1913). The official records of his activity at St. Petersburg, Berlin, Mexico, Washington, and Rome have not yet been opened to private research, and unluckily the information contained in his own letters and papers is rendered in a rather dilettante manner, almost without any attempt at interpretation from and connexion with events outside. Some good bits of confidential gossip on the situation at Frankfort in 1848, the last years of the Papal States, and the commercial treaty he negotiated as consul-general with Mexico, may be useful. But as the narrative centres more and more round the figure of his great chief, and finally reaches his famous second mission to the Vatican after the 'Kulturkampf', it becomes curiously empty. His conversion from the old Hanseatic scepticism to fervent admiration of, and solidarity with, Bismarck is often mentioned, but neither dated nor explained, and the vicissitudes of the memorable Prussian policy which is at the root of the present relations between Germany and the Roman church are only vaguely indicated.

C. B.

In three comparatively short lectures delivered at Oxford in 1912 (*Lectures on the American Civil War*, London: Macmillan, 1913) Dr. James Ford Rhodes, tells the story of the War of Secession with remarkable power of compression and certainty of touch. He has set himself deliberately to explain the antecedents of the war and its constitutional and diplomatic aspects in preference to treating it from a military point of view. He writes naturally as a federal sympathizer. To him slavery

was the real cause of the war, and the claim of the south that they took up arms in the cause of state sovereignty only a pretext to hide their determination to found a slave empire. In his eyes the hero of the war was Lincoln, 'the one man that the North could not spare,' and the struggle itself a duel between him and Lee. But the statement that 'Lee was supreme; he consulted no one', sounds a strange exaggeration to those who believe that Jefferson Davis hampered Lee at almost every turn, and that to the incompetence and self-will of the confederate president was due the downfall of his people. Indeed, the one weak spot in the lectures seems to be the undue leniency with which Dr. Rhodes has treated Davis. Whilst expressing the greatest admiration for Lincoln, the author is careful to mark his mistakes. These were (1) the virtual expulsion of 'Bull Run Russell', which deprived the north of a powerful advocate in the most influential of English newspapers; (2) the failure to disavow promptly Captain Wilkes's action in the Trent affair, which brought England and the United States to the brink of war; (3) the appointment of Hooker as Burnside's successor in command of the army of the Potomac, which led to the disastrous campaign of Chancellorsville and Lee's invasion of Pennsylvania. Impartiality is the distinguishing note of Dr. Rhodes's historical work. He is impartial between the two warring sections and equally impartial between Great Britain and the United States. 'England indeed was the insurmountable obstacle to the recognition of the Southern Confederacy by France and other European nations.' The skill with which he traces the successive changes of public opinion in England during the progress of the war is admirable, as is the treatment of the varying phases of feeling in the north towards the supreme issue of slavery and the merits of their ruler 'exercising more authority than any Englishman since Cromwell'. The actual operations of the war are necessarily compressed into the narrowest possible compass. But the account is perfectly lucid and the connexion of events most clearly set forth. The military student, who is fortunate enough to come across these lectures, will be stimulated to study the details in the author's large *History of the United States from 1850 to 1877*, vols. iii, iv, and v.

W. B. W.

In an elaborate monograph, of no less than 769 pages, Dr. W. W. Davis tells the story of *The Civil War and Reconstruction in Florida* (Columbia University Studies in History, Economics, and Public Law, vol. liii, no. 131. New York: Longmans, 1913). He is scrupulously fair in his use of his authorities, but he does not attempt to disguise his own strong views. 'The criminal demoralization,' he writes of the reconstruction period, 'was frightful. Men formed the habit of defying the law and resorting to violence to attain their ends. The southerner was certainly face to face with negro domination foisted upon him by federal laws. He arose to protect his own unwritten laws in order that his property, his self-respect, and his family might not be injured or destroyed. He resorted to physical violence under cover, in one of the most sinister and interesting contests of modern times. And in this contest for a very necessary supremacy many a foul crime was committed by white against black. Innocent people suffered. There is no mercy

and scant justice in social adjustment. The negro was first freed, then enfranchised, then launched in practical politics, and then mercilessly beaten into reasonable subjection. "All that goes up must come down, upon somebody's head or upon the ground," said one conventional fatalist in commenting on the situation.' H. E. E.

The *Historische Vierteljahrschrift* for 1912 is mainly concerned with the foundations of the German empire. Besides an article by Professor Brandenburg (p. 493) it contains an article by Friedrich Frahm on the meeting at Biarritz (p. 337) and Professor Fester's important study of the Hohenzollern candidature (pp. 34, 222), a work which has been published separately. Of the other articles in these numbers of the Review perhaps Dr. Hofmeister's lecture upon medieval genealogies, 'Genealogie und Familienforschung als Hilfswissenschaft der Geschichte' (pp. 457-92) is the most important. In the course of a review of recent work Dr. Hofmeister illustrates the importance of genealogical studies to the historian. For example, the researches of Alois Schulte and his pupils upon the social standing of medieval chapters and of the inmates of monasteries have had important constitutional results. Incidentally it is noted that 'die hohe Aristokratie Europas schon im 12. Jahrhundert nicht viel weniger international war als heute'. F. M. P.

Mr. R. H. Gretton's *Modern History of the English People*, vol. i, 1880-98 (London: Grant Richards, 1913), is mainly based on materials selected from the files of *The Times* and *Punch*, appealing to the same sentiment that is called into play by Mr. Arnold Bennett's *Milestones*. Interspersed among various trivialities are many interesting sidelights on economic and social developments. The author rightly records in some detail the evolution of trade unionism, and the rise of the electric and motor industries. The book is, however, too much crowded with facts to be easy reading for the general public, and far too erratic and bizarre in its estimates of the relative importance of events to be deemed of serious value. G. B. H.

The 'Novik' and the Part she played in the Russo-Japanese War, 1904, by Lieutenant A. P. Steer, translated by L. A. B. (London: John Murray, 1913), describes the Japanese attacks on the Russian squadron in Port Arthur from February 1904 to the battle of 10 August 1904. The *Novik*, which after that action endeavoured to reach Vladivostok, was scuttled off the coast of Saghalien. The author survived the war, but was killed in a mutiny in October 1907. The story of these operations is very well told by him, and one of his conclusions deserves quotation. 'The fate of a battle does not depend on individuals; the commander in chief alone has it in his hand. . . . The single line ahead to which we persistently clung through the campaign destroyed the initiative, the courage, and the individuality of the captains' (p. 22). D.

As the author, Mr. Wellington Koo, Ph.D., states in his preface, *The Status of Aliens in China* (Columbia University Studies in History, Econo-

mics, and Public Law, no. 126, 1912) is the first work to deal with the subject from a Chinese point of view. It was therefore with some interest that we opened the volume to see what he had to say. Extra-territoriality is a subject on which it is impossible to expect that the two parties concerned will be of accord. No country, but for its weakness, would ever consent that foreigners should live in it without being subject to its jurisdiction; and, on the other hand, as long as the Chinese legal system and administration of justice remain what they are, European nations will not willingly forgo the privileges which they at present possess. Mr. Koo naturally has the feelings of a Chinese on the matter, but he keeps them wonderfully under control; and he writes with an admirable dispassionateness and freedom from acerbity. We have seen the conduct of foreigners in China in pre-treaty days painted by European authors in much harsher colours than those he has used. The first third or more of the volume is mainly historical and is not of much interest, that part of the subject having been handled quite as well by earlier writers. The remainder, which is the valuable portion of the work, deals with the actual position of the alien at the present day, showing what his rights are, both as claimed by the one side and as conceded by the other. But this is a subject which lies outside the sphere of this Review. The author apparently has done his best to make his work complete and trustworthy; but we have noticed here and there what seem to be omissions or inaccuracies, due, doubtless, to lack of full information on every point.

T. L. B.

Dr. Andreas Walther's pamphlet, *Geldwert in der Geschichte, ein methodologischer Versuch* (Berlin: Kohlhammer, 1912), a reprint from the *Vierteljahrschrift für Social- und Wirthschaftsgeschichte*, contains a criticism of existing methods of dealing with the purchasing power of money, and a proposal for a new method—or what is claimed to be a new method—based on *Anschaung*, and suitable for the purposes of the historian of civilization if not for those of the historian of gold and silver. Discarding the complexities of mint history, we are to construct 'scales' to illustrate 'social purchasing power'. Long strips of paper will represent the Köln 'gulden-scale' for 1400, the Rostock 'mark scale' for 1530, and so on. In compartments of the scales will be entered typical goods and services purchasable for 1, 2, 3, 4, &c., gulden or marks as the case may be. Noting the contents of the compartments, we may find, for instance, that compartment 30 on scale A corresponds roughly to 40 on scale B. So we secure a basis for comparisons of social purchasing power between different currencies and different dates. By a study of social stratification—which, as Dr. Walther suggests, is most clearly revealed for late medieval and early modern times in the abundant records of the official hierarchies—we can discover typical incomes of persons about 'the middle' or about some other point in the social scale. The purchasing power of these incomes we must compare, broadly and without any striving after an unattainable accuracy, with those of corresponding incomes to-day. For instance, Dr. Walther equates in this way an income of 300 'marks sundisch' at Rostock in 1530 with one of 3,000 marks in modern Germany. All sorts of scales and combinations of scales are suggested. To criticize

the scheme and its refinements would take us far outside the limits of a short notice. It must suffice to have called attention to a project that certainly deserves the careful attention of economic and general historians.

J. H. C.

The indefatigable Professor N. Jorga of Bucharest has brought out a valuable quarterly *Bulletin de la Section Historique de l'Académie Roumaine* (Bucharest : Göbl, 1912-13), of which the first three numbers lie before us. They contain a variety of articles on medieval and modern Rumanian history, mainly by the editor, whose name is a guarantee that the work is based upon wide research. Of special interest are his 'Notes of an historian on the events in the Balkans', which deal with the important question of the historic claims of the Rumans to Silistria; and his reproduction of 'the stole of Alexander the Good', prince of Moldavia from 1400 to 1432, which contains the 'first portrait of a Moldave Prince'. W. M.

The fiftieth issue of *The Statesman's Year-Book* (London : Macmillan) contains in addition to its usual excellent features a series of maps of the continents of the world showing side by side the distribution of possession and extent of occupation in 1863 and 1913. Under the heading of Morocco we find a brief but clear statement of the course of events which terminated in the Franco-Spanish treaty of 27 November 1912. The statistics of the area and population of the Ottoman empire (pp. 1304f.) have already become of historical interest. E.

In *The Aldermen of the City of London*, vol. ii (London : Eden Fisher, 1913), the Rev. A. B. Beaven has finished his work, of which the first volume was noticed *ante*, xxiv. 136-8. The record of the aldermen is now brought down to 1912, and the whole is completed with the same minuteness of detail which characterized the first instalment. To the chronological list of aldermen is added a collection of biographical and genealogical notes, which, if perhaps unavoidably somewhat desultory, cannot fail to be of the greatest value. Mr. Beaven's reputation for taking pains is a guarantee for their general accuracy. Some oversights are in such a matter to be expected. It is hardly wise to describe William Gregory boldly as 'The compiler of one of the best known city chronicles'. If Gregory had any share in compiling the chronicle which bears his name, it was a very small one; probably at the most he did no more than add notices for one or two years in a copy of the London chronicles from which the existing *Gregory's Chronicle* was in part derived. Mr. Beaven's own use of the London chronicles leaves something to seek; the notes on John Reynwell and John Derby, for instance, which are attributed to Stow and Fabyan, really come from the fifteenth-century originals. In a lengthy introduction Mr. Beaven deals very minutely with various points of aldermanic history. Some matters, such as a list of ex-sheriffs who failed to obtain election as aldermen, are rather trivial in themselves, but will no doubt be of use to have on record. The promise of a further volume, to contain equally detailed lists of mayors, sheriffs, and other civic officers, is welcome. C. L. K.

Mr. A. W. Gould in his privately issued *History of the Fruiterers' Company* (London, 1912) has brought together in a sumptuously printed and illustrated volume all that can be recovered of the history of one of the minor city companies. An unfortunate fire in 1748 destroyed nearly all the early records; only two volumes, the one a book of by-laws dating from 1627, and the other the Renter Wardens' Book beginning in 1711, escaped. Even these two had been overlooked, and Mr. Gould deserves credit for their rediscovery. In the absence of records he has been compelled to unearth from a variety of sources whatever scraps of information may have survived. He has clearly spared no pains in his self-appointed task, and though the result is, for no fault of his own, somewhat slight, there is probably little of importance which has escaped his notice. In addition to the company's two charters of 1606 and 1686 and the by-laws of 1627 Mr. Gould has printed whatever regulations relating to the company are to be found in the archives at the Guildhall, together with the new by-laws made in 1759, which appear to have been drawn up in ignorance of the fact that the former ordinance of 1627 still existed. Though the company only obtained its first charter in 1606 evidence can be found of its existence in 1416. To the list of members a few names might have been added from early records, as Robert Rauf in 1437, Robert Ashbourne in 1439, and Walter Prendergest in 1442.¹ It might also have been worth quoting Lydgate's description of the show of fruit in Cheapside at the pageant for Henry VI in 1432. In giving a history of the company's hall Mr. Gould cites Stow for evidence that it was located at Worcester House in Thames Street in 1603; he has overlooked the identical reference in the first edition of the *Survey* in 1598. He has found that in 1634 the fruiterers were at the Old Swan. The Old Swan adjoined Worcester House, and the Parish Clerks' Hall, where the fruiterers were tenants during the greater part of the time from 1623 to 1666, was close by. It is a pity that Mr. Gould quotes Munday's edition of the *Survey* in 1633 under the name of Stow (p. 61), and the so-called edition of 1754 for 'a glimpse given by John Strype' (p. xxiv).

C. L. K.

In his *Lecture on the History of the University Archives* (Oxford: Clarendon Press, 1912) the Keeper of the Archives of Oxford University, Mr. R. L. Poole, has provided an especial treat for students of academical antiquities. The origin and varying fortunes of the considerable collection of books and papers now housed in the archives tower, with appreciations of their comparative value or worthlessness and of the services of their successive official custodians, are here set down tersely, but with the minute exactness which is the fruit of most careful examination of the documents themselves and of all accessible official records concerning them, directed by an illuminating knowledge of other like collections. The two appendixes add to the interest and value of the book. The first appendix gives in full Brian Twyne's hand-list of the documents, as they were when that antiquary saved them from destruction on the eve of the great civil war (1636-43). The second appendix gives an admirable summary of the extant but little-known volumes of records of the Vice-Chancellor's

¹ *Cal. of Pat. Rolls, Henry VI*, iii. 99, 284; iv. 13.

Court, both in matters disciplinary and testamentary. These two appendixes direct the attention of students to three much-neglected sources of available information. The wills, and lists of effects connected with them, in the archives of Oxford, are full of minute details as to the books owned by and the clothing and other personal effects of students of the sixteenth and seventeenth centuries, which have never been looked into. The proceedings in the Vice-Chancellor's Court abound in most singular notes as to academical life in the same centuries, which have been only glanced at by any student as yet. The letters of chancellors of the university, transcribed into the registers of convocation, constitute a most valuable succession of court views of academical affairs, from Elizabeth to Charles II at least, which are most poorly set out in the stilted abstracts of them in Anthony Wood's *History of the University*. A. C.

It has been a not uncommon practice in Oxford to commemorate events of special interest to the university by the production of volumes relative to the subject and often bearing the title *Pietas Oxoniensis*. The last of these, published in 1902, was brought out in connexion with the tercentenary celebration of the foundation of the Bodleian Library. Now in little more than ten years it is followed by a beautifully printed little volume, *Trecentale Bodleianum*, which is a memorial not of the library but of the funeral of its founder on 29 March 1613 (Oxford: Clarendon Press, 1913). It contains a reprint of Sir Thomas Bodley's autobiography, his letter proposing to re-establish the public library, the first draft of his statutes for it (printed from Bodl. MS. 2867), extracts from his will, and other appropriate pieces. F.

The *History of Banstead in Surrey*, by Mr. H. C. M. Lambert, C.B. (London: Frowde, 1912), contains much interesting material, but is not in the full sense a history of the parish. Banstead's title to fame is that Burgh, one of its sub-manors, was the property and the place of death of Hubert de Burgh, and has given their name to all the Burkes in Ireland. There are good evidences for the manor from the time of Edward I, and Mr. Lambert not only gives a satisfactory Latin text, but also a translation, which sometimes (though rarely) might be improved. He does not venture on a rendering of 'holghtyghl', used for repairs in 1363. It is evidently a hollow or curved tile used for the ridge of the roof, as contrasted with plain or flat tile. And the tripod which occurs at that date in connexion with brass pots was not a 'three-legged stool', but served to hang the cauldron over the fire; while the 'pannus' for winnowing corn on was obviously not a pan, but a sheet. But Mr. Lambert is well read in the lore of the medieval manor, and in the writings of Maitland and Vinogradoff, and it is rarely that we can venture to criticize him. The Domesday manor of Banstead had appendant houses both at Southwark and in London, and one of its sub-manors in 6 Edward III was paying twelve shillings for castle-ward at Rochester. As early as 1275 the demesne was not dispersed in the common-fields, but disposed in compact blocks of land. Are we to suppose that an adjustment had been made between lord and tenants, or that the separation

was primitive? Mr. Lambert does not make it clear whether Tadworth and Burgh, which were ultimately sub-manors of Banstead, though they were distinct parishes till a fairly late date, formed with it one complex agricultural whole, or had their own common-fields and an independent economy. He seems, however, to imply that they had not. But this was a manor so near London that it fell into a rapid dissolution, the yardlands getting broken up, and leases on very various terms being granted from early in the fourteenth century, while by degrees much land was enfranchised. There is interesting evidence for the decay of labour services; it is regularly noticed in an extent of 1325 that the labourers' meat is worth as much as their work, so that nothing can be counted to profit; and spade-labour is actually described as not worth the value of the meal. But in 1325 Banstead belonged to the queen, and the provision was regal in amplitude. There is no list of the incumbents, and the successive ownerships of the different estates are very vaguely traced. In spite of some defects this is a work of real merit, and adds to our knowledge of medieval country life in general. G.

Notes on Epworth Parish Life in the Eighteenth Century, by Mr. A. F. Messiter, the Epworth surgeon (London: Elliot Stock, 1912), is an interesting little book with a good deal of novel information from the parish records. It throws light on Samuel Wesley, the rector, and effectively whitewashes the character of John Romley, the curate, to whom John Wesley has given an unenviable immortality in his diaries. But many aspects of village life are illustrated, and an example is shown of the way in which the country doctor may add as effectively to knowledge as the country clergyman. The burial of a suicide with a stake through the body so late as 1792 is an incident well worth recording. H.

The Baptist Historical Society has published the *Church-Books of Ford and Amersham* (London: Kingsgate Press, 1912). These were societies of general baptists, founded apparently under the commonwealth, though their existing records date from 1688 and 1675 respectively. Both were assemblies of humble folk, and they rarely illustrate wider issues. Dr. Whitley, the editor, gives an introduction too brief to be quite intelligible, but full of interesting matter. One of the few baptists to be ejected in 1662 was John Gibbs of Newport Pagnell. In 1669 he was ministering to congregations there and also at Olney and in a neighbouring village. The counties of Buckingham and Hertford were strongholds of the baptist cause. At St. Albans was 'a large meeting of sufficient men, taught by one Scot, an Olivarian captain'. There are many illustrations of village life, not always on its nobler side, to be gathered from these minutes. The indexes might well have been more complete and the annotation richer. The transcription has been well done. I.

Works from Dr. James Wilson's pen are always scholarly, and his account of *Rose Castle* (Carlisle: Thurnam, 1912), the residence of the bishop of Carlisle, is well planned and executed. The history of the episcopal palaces of this country is well worthy of attention. The documentary evidence is usually extensive; and, given a satisfactory subject

and a capable writer, such fine monographs may be produced as Dr. James Raine's *History of Auckland Castle*. Although the history of the seat of the bishop of Carlisle affords less scope to a historian than that of his neighbour of Durham, it is well worth recording. Dr. Wilson points out that the site occupied by the castle is the bailey of a motte and bailey fortress of which the mound was removed in the last quarter of the eighteenth century. There can be little doubt that this early fortress was the residence of Hervey son of Maurice, who forfeited the manor of Dalston to the Crown about 1186. The manor was retained by the Crown until 1230, when it was granted to Bishop Walter, and from that date or from shortly after it the castle of the Rose has remained a residence of the bishops of Carlisle. The date of the stone castle is fixed by the licences to crenellate, granted in 1336 and 1355, and no part of the existing masonry appears to be of earlier date. The castle was quadrangular in form. A plan made about 1671, and here reproduced, shows that the great hall, solar and kitchen occupied the now demolished east side of the quadrangle. The chapel was probably then, as now, in the north range. The original building was, however, gutted in the second civil war of 1648, and only the north and west wings were rebuilt. The fifteenth-century tower of Bishop Bell and the early sixteenth-century tower of Bishop Kite are incorporated in the present building, while the fifteenth-century tower built by Bishop Strickland is also still standing, although detached from the rest. Dr. Wilson precedes his account of Rose Castle by a useful chapter on other residences of the bishops of Carlisle. He also includes a chapter on the earth barrier called the Bishop's Dyke, which traverses the manor of Dalston. Misprints in the volume are few : on p. 50 the date 1543 should be 1643. The book is well illustrated and includes two plans, namely the seventeenth-century plan already mentioned and a modern ground-plan. Unfortunately the points of the compass in the two plans are reversed, and this makes comparison between the two difficult.

H. H. E. C.

M. Lucien Lambeau's volume on *Vaugirard* (Paris : Leroux, 1912) is the second of a series of monographs which he is publishing under official auspices on the earlier individual existence of the eleven suburban communes merged in Paris in 1859, and to some extent submerged by it since. However praiseworthy the task, the salvage of such topographical and antiquarian detail as this series contains can only be expected to concern the few ; but the few are fortunate—if we may judge from the opening volumes—in that the task has been committed to M. Lucien Lambeau.

F. A. S.

Une Famille Vivaroise (Paris : Champion, 1912) is a chronicle, founded upon original sources, of the noble family of Le Vogüé, who inhabited the Vivarais from the twelfth century to the Revolution. Like others of their caste the members of this house participated in the local affairs of their province as well as in their national events and wars which went to the making of French history. The story, which contains a good deal of simple historical exposition, was originally written by the Marquis de Vogüé, of the Académie Française, for an intimate circle of relations. At the request of his friends he now gives it a greater publicity in the present edition.

C. E. M.

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Archbishop Peckham and Pluralities

THROUGHOUT the thirteenth century the concentration of two or more ecclesiastical benefices in one hand was an abuse which greatly exercised the minds of popes and canonists. Reforming popes opposed it for the good of the church ; others for their own profit, the papal theory being that the holy see alone might grant a dispensation to hold a plurality of benefices with cure of souls. Previous legislation on the matter was superseded in 1215 by the fourth Lateran council, which in the decree *De Multa* enacted that if any one in possession of a benefice with cure received another, he *ipso facto* forfeited his right to the first.¹ The abuse, however, continued to flourish, and further measures became necessary. In 1268 the papal legate, Ottobon, at a council of the two English provinces, issued the constitution *Christianae religionis* with a view to enforcing and supplementing the decree *De Multa*.² This enactment affected England only ; but in 1274, at the second general council of Lyons, Pope Gregory X published the decree *Ordinarii locorum*, whereby most of Ottobon's measure became law for the church at large.³

Five years later, in July 1279, Archbishop Peckham, who had just been appointed to the primacy by Nicholas III, held a provincial council at Reading.⁴ He there published among others the constitution *Audistis* against the holding of pluralities. The

¹ *Corpus Iuris Canonici*, c. 28 x. iii. 5: 'Statuimus ut quicunque receperit aliquid beneficium curam habens animarum annexam, si prius tale beneficium habebat, eo sit ipso iure priuatus.' In this article the word 'benefice' must be taken to mean 'benefice with cure of souls', and 'pluralist' to mean 'undispensed pluralist'. It should be remembered that dispensations to hold more than one benefice were not as a rule hard to obtain, and that the legislation against pluralities, even when enforced, did little to stem the evil.

² Wilkins, *Concilia*, ii. 12.

³ c. 3 in Sexto, i. 16.

⁴ Wilkins, *Concilia*, ii. 33 ; *Chron. Thomae Wykes* (Rolls Series), p. 257.

constitution begins with a summary of previous attempts to check the evil, and mentions in particular the decree *De Multa* and the constitution *Christianae religionis*. This legislation, says Peckham, had hitherto produced no fruit, and the abuse had been even encouraged by the bishops. Pope Nicholas III had consequently laid special injunctions on his nominee to proceed sternly against the holders of pluralities. The archbishop therefore declares, in accordance with the Lateran council, that all the benefices held by a pluralist, except the last which he received, are legally vacant. He then acknowledges that the exception thus made is contrary to the constitution of Ottobon, which took away the last of a pluralist's cures. Nevertheless, he says, reluctant to heap rigour on rigour, and noting that neither the Lateran council nor Ottobon proposed to deprive a man of all his benefices, he mingles mercy and prudence with sternness, and permits the last benefice to be kept. But if an attempt is made to keep any of the others, the offender is to lose them all,⁵ and to be ineligible for promotion to any ecclesiastical dignity. So far Peckham is dealing with existing pluralists. The second part of the constitution refers to the future, and lays down that whoever shall henceforth obtain two or more benefices without adequate dispensation shall *eo ipso* lose his right to them all, and shall moreover incur the sentence of excommunication.

A century and a half later William Lyndwood included this constitution in his *Provinciale*. His comments on it are caustic. After pointing out that Peckham has misinterpreted Ottobon's constitution, he writes thus on the archbishop's mercy: 'Note that this mercy may rather be called illegality. For the mercy which the author of this decree shows here, is expressly contrary to the decree *Ordinarii locorum* . . . which neither an archbishop nor any one inferior to the pope can repeal or alter.'⁶ And regarding the word *permittimus* he says: 'This permission can do nothing to invalidate the law of the superior.' It might perhaps

⁵ 'Praecauere tamen volentes ne rigorem videamur coaceruare rigori, mentem etiam constitutionis tam concilii generalis quam etiam domini Ottoboni clarius aduertentes, quarum etiam neutra et praecobtentis et ultimo simul priuat, cum concilium generale sola auferat praecobtentia, ultimum tamen reseruat; conciliumque Ottoboni institutionem in ultimo beneficio decreuit irritam ipso iure, praecobtentis tamen ipsum non priuat. Nos misericordiam cum rigore miscentes, non tam misericorditer quam etiam prudenter permittimus ut is qui plura beneficia curam animarum habentia sine dispensatione apostolica fuerit assecutus, ultimum sic obtentum retineat, et eodem iuxta generalis concilii beneficio decreuit irritam ipso iure, praecobtentis tamen deinde etiam praecobtentia improbe retinere: in quo casu ipsum nec primo nec ultimo dignum nec medio, immo nec aliquo, iudicamus, sed potius ea omnia de iure vacare.' (Wilkins, *l. c.*)

⁶ Lyndwood, *Provinciale* (ed. 1679), p. 136: 'Et nota, quod ista misericordia potius dici potest iniustitia. Nam misericordia quam hic ostendit huius decreti auctor, est expresse contra Decree. *Ordinarii locorum* . . . li. vi, quam tollere vel alterare non potest archiepiscopus nec aliquis papa inferior.'

be regarded as holding good as far as Peckham himself was concerned ; but it would have no force with respect to any one else.⁷

Peckham's constitution and Lyndwood's glosses upon it occupy an important place in the controversy regarding the authority of the canon law of Rome in medieval England. On the one hand, in Maitland's essay on the *Provinciale*, stress is laid on Lyndwood's condemnation of Peckham for contravening a part of the *Ius Commune* ;⁸ on the other hand, it has been claimed that an archbishop of Canterbury deliberately ignored a papal decree only five years after it had been promulgated.⁹ Hitherto, however, there has been no adequate discussion of one very important question : how did Peckham's constitution contravene the decree *Ordinarii locorum* ? The point, indeed, was not relevant to Maitland's argument in his essay on the *Provinciale* ; he was concerned with what Lyndwood thought, not with what Peckham had done. It has, however, been asserted that the decree deprived the pluralist of all his benefices ;¹⁰ and in that case Peckham's constitution would certainly be in flat contradiction to it. But this view is exposed to fatal objections. The opening part of the decree, which is quoted in defence of this interpretation, enjoins ordinaries to compel all pluralists to exhibit their dispensations within a given time. If any fail to do so, the benefices which they unlawfully (*illicite*) hold shall be granted to others.¹¹ Now the word *illicite* plainly involves a reference to earlier legislation. This must be found in the decree *De Multa*. By the terms of this, a man in actual possession of a plurality of benefices had no right to any except the one received last ; his claim to that, however, had down to 1274 been impugned by no enactment in the *Ius Commune*, and apparently remained unaffected by the decree *Ordinarii locorum*.

It is evident also that this was the view taken by contemporaries. In 1274 the archbishop of Salzburg summoned a provincial council with the express purpose of arranging for the publication of the constitutions just issued at Lyons. This

⁷ *Ibid.*

⁸ *Canon Law in the Church of England*, pp. 20 ff.

⁹ As, for instance, by Mr. Arthur Ogle, *The Canon Law in Mediaeval England*, pp. 109 ff.

¹⁰ Mr. Ogle's argument is based on this view.

¹¹ ' *Ordinarii locorum subditos suos plures dignitates vel ecclesias quibus animarum cura imminet obtinentes, seu personatum aut dignitatem cum alio beneficio cui cura similis est annexa, districte compellant dispensationes, auctoritate quarum huiusmodi ecclesias, personatus, seu dignitates canonice tenere se asserunt, infra tempus pro facti qualitate ipsorum ordinariorum moderandum arbitrio, exhibere. Quod si forte . . . nullam dispensationem infra idem tempus contigerit exhiberi, ecclesiae, beneficia, personatus, seu dignitates quae sine dispensatione aliqua eo ipso illicite detineri constabit, per eos ad quos eorundem collatio pertinet libere personis idoneis conferantur.*'

council decreed that pluralists must content themselves with the last benefice they had received unless they could show sufficient dispensation to retain the others.¹² Seven years later, at another provincial council, the same archbishop announced that this constitution had produced no effect. He therefore issued another, in which he mentioned the decree *De Multa*, and stated that he was about to put it into execution by bestowing on suitable persons all benefices held by pluralists, except those which had been received last.¹³ Moreover, at a council held in 1287 at Würzburg it was decided that a clerk with two vicarages should be deprived of the revenues of the second as long as he retained the first. It appears, however, that he was not to lose the second altogether. This council, it should be noted, was held by a *legatus a latere*.¹⁴

It is clear, furthermore, that later canonists and popes did not regard the decree *Ordinarii locorum* as sentencing the pluralist to the loss of all his benefices. The compilers of the Sext apparently considered it an administrative rather than a legislative measure; they inserted it under the title *de Ordinariis*, and not under *de Praebendis*, the natural place for a new law about the tenure of benefices. A decretal of Boniface VIII, dealing with a particular class of pluralists, assumes that the last institution of a pluralist will normally hold good, and so does the gloss of the great jurist Johannes Andreae upon it.¹⁵ In the Clementines it is laid down that those who hold a number of dignities are lawfully entitled to the last only.¹⁶ Finally in 1317 came John XXII's great decree *Execrabilis*, the last word of the medieval papacy on the subject. John XXII was a learned canonist; the decree was, moreover, a very severe measure, which swept aside dispensations in a most arbitrary manner; yet it allows the undispensed pluralist to retain his last benefice.¹⁷

¹² Mansi, *Sacrorum Conciliorum Collectio* (ed. 1780), xxiv. 135, 139: 'Praecipimus ut singuli plura beneficia possidentes aut recepto ultimo sint contenti aut in ipso proximo provinciali concilio seu episcopali synodo . . . legitimis documentis edoceant secum esse per eum qui de iure hoc facere potuerit dispensatum.'

¹³ *Ibid.* pp. 395, 400.

¹⁴ *Ibid.* pp. 849, 854. The wording of the constitution is not precise, but it seems intended to refer to vicars only. Many of these, however, would fall within the scope of *De Multa* and *Ordinarii locorum* (c. un. *Extravag. Ioann.* XXII. 3, gl. ad v. *beneficium ecclesiasticum*; c. 1 x. i. 28, gl. ad v. *in diversis*; c. 6 x. i. 28, gl. ad v. *ex parte*).

¹⁵ c. 18 in Sexto, iii. 4.

¹⁶ c. un. *Clem.* iii. 2: 'Si plures obtinens dignitates aliam dignitatem aut beneficium curam animarum habens acceptet, dispensatione super hoc legitime non obtenta, eius . . . dignitates quas prius habebat ipso facto vacare censemus, sicut si dignitatem unicam obtinenti alia similis conferretur . . . prima de iure vacaret.' This is clearly an application of the principle of *De Multa*.

¹⁷ c. un. *Extravag. Ioann.* XXII. 3: 'Nos de illis (sc. undispensed pluralists) . . . praesenti decreto statuimus ut omnia et singula beneficia sic detenta, illo tantum retento quod ultimo receperunt, . . . dimittere teneantur.'

In fact, in all decretals regarding pluralities issued after 1274 not a word is said to indicate that the council of Lyons made any change in the content of the law on that matter. The wording of *Ordinarii locorum*, the action taken after its publication, and subsequent decrees on the same subject, all therefore conspire to prove that Gregory X did not purpose to take away all a pluralist's benefices, and that another explanation of Peckham's alleged offence must be sought.

Whatever interpretation he placed on the decree issued at Lyons, Lyndwood's criticism of Peckham was not based on the clause which is cited in support of the view just examined. He supports his condemnation by a reference to the end of the decree.¹⁸ Now *Ordinarii locorum* falls into two parts, the first, which has been discussed above, dealing with existing pluralities, the second making provision for the future. Henceforth no ordinary is to grant any benefice to an actual pluralist unless he can show a dispensation authorizing him to hold it with his previous cures or unless all these are resigned. Any collation made contrary to this rule is to have no legal force.¹⁹ It is against this part of the decree that Lyndwood conceives Peckham's constitution to offend. Now, it may be said at once that, on the most rigid interpretation of the decree, Peckham's 'mercy' to a pluralist would not in every case involve a breach of it. A man who held only two benefices, or one who had received all his benefices before the council of Lyons, might keep the last without any contempt of papal law. But if between 1274 and 1279 any actual pluralist had, without dispensation, been collated to an additional benefice, the collation was void. He would have no right to the last benefice he had received, and Peckham was acting beyond his powers in 'permitting' him to keep it. Such was evidently Lyndwood's argument.

It may be assumed, though it is not quite certain,²⁰ that Lyndwood has rightly interpreted both *Ordinarii locorum* and Peckham's constitution. He seems, however, to leave out of account Peckham's views on the papacy and the circumstances in which his constitution was issued. Peckham was of course a strong papalist. He was on familiar terms with Nicholas III,

¹⁸ Lyndwood, l. c. He refers to *Decre. Ordinarii locorum de offi. ordi.* § ulti. li. vi.

¹⁹ 'In conferendis insuper personatibus, dignitatibus, et aliis beneficiis, curam habentibus animarum annexam, iidem ordinarii diligentiam illam obseruent, ut personatum, dignitatem, vel aliud beneficium . . . alicui plura similia obtinenti non ante conferre praesumant quam eis super obtentis dispensatio euidenter sufficiens ostendatur. Qua etiam ostensa, ita demum ad collationem procedi volumus si appareat per eandem quod is cui est collatio facienda huiusmodi personatum [&c.] . . . retinere licite valeat cum obtentis. Vel si ea, quae sic obtinet, libere ac sponte resignet. Aliter autem de personatibus [&c.] . . . facta collatio nullius penitus sit momenti.'

²⁰ See below, p. 632, n. 31

owed his see to him, and had received special advice from his patron as to his policy in England; and he left no one in doubt as to his opinions. He emphasized, in the strongest terms, the binding authority of decretals not merely on the clergy, but also on the king.²¹ He showed himself eager to enforce the decrees of the council of Lyons.²² Were it not for Lyndwood, his devotion to the holy see would never have been called in question by any modern historian. Moreover, Lyndwood was not well-informed about thirteenth-century chronology. For instance, he blames Peckham for ignoring a decretal that was not issued till after his death.²³ He was a lawyer, not a biographer or an historian. His interest, too, in the decree *Ordinarii locorum* and the constitution *Audistis* must have been mainly academic; for the decree *Execrabilis* had placed the law regarding pluralities on a new footing.²⁴ It would be small cause for wonder if Lyndwood had no clear idea of the length of time between the council of Lyons and that of Reading, or of the nature of the work which Peckham had to do in England. And correct information on these points is essential to a proper understanding of Peckham's action.

When the council of Reading was held, Peckham had been in England only a few weeks.²⁵ In the previous winter Nicholas III had provided him to the primacy after quashing the election of Robert Burnell made by the monks of Canterbury. On his departure from Rome the pope had urged upon him the pressing necessity of stamping out the abuse of pluralities, and had given

²¹ J. Peckham, *Registrum Epistolarum* (Rolls Series), i. 240: 'Quia igitur ab antiquo tempore inter reges et magnates Angliae ex parte una, et archiepiscopos et episcopos ac clerum eiusdem regni ex altera, duravit amara dissensio pro oppressione ecclesiae contra decreta summorum pontificum, contra statuta conciliorum, contra sanctiones orthodoxorum patrum, in quibus tribus summa auctoritas, summa veritas, summaque sanctitas consistunt, supplicamus regiae maiestati quatenus . . . huic periculosae regno et perniciosae clero discordiae dignetur finem imponere salutarem. Cui finis aliter imponi non potest nisi vos sublimitatem vestram praedictis tribus, scilicet decretis pontificum, statutis conciliorum, et sanctionibus orthodoxorum patrum, iuxta Dei beneplacitum cum catholicis imperatoribus dignemini inclinare.' There is more to the same purpose in this letter. See also Wilkins, ii. 51.

²² Wilkins, ii. 51; *Registrum*, i. 257, 266.

²³ *Provinciale*, p. 212, gl. ad v. *cum socia*. Peckham issued a constitution forbidding nuns to leave their convents for more than three days for a holiday, and for more than six for any purpose. This, says Lyndwood, contradicts a decree of Boniface VIII, which rigidly restricts all nuns to their houses, except when there is a case of offensive or infectious disease, or when the abbess or prioress has to go to do homage (c. un. in Sexto, iii. 16). Lyndwood asserts that Peckham 'well knew this decree'; but the archbishop died in 1292, and Boniface became pope in 1294.

²⁴ *Provinciale*, p. 136, gl. ad v. *nec ultimo*. John of Ayton, whose gloss on the constitutions of Otto and Ottobon dates from about 1340, ignores Peckham's constitution and quotes *Execrabilis* as the authority on pluralities (*Constitutiones Legatinae*, ed. 1679, p. 23, gl. ad v. *privaretur*).

²⁵ He reached Dover on 4 June; the council was held at the end of July (*Registrum*, i. 9; *Chron. Wykes*, p. 281).

him special instructions as to the course he should pursue.²⁶ As soon as possible, therefore, Peckham issued the constitution *Audistis*. In other words, he promulgated the decree *Ordinarii locorum* with respect to existing pluralists; while as regards the future he announced his intention of enforcing, not merely the second part of *Ordinarii locorum*, but a yet more stringent regulation of his own. For whereas Gregory X laid down that in future an institution or collation in favour of an actual pluralist should have no force, Peckham enacted that if a man received a second benefice before resigning his first, he should *ipso facto* lose his right to both and incur the sentence of excommunication.²⁷

²⁶ 'Nobis etiam iniunxit [summus pontifex] viuae vocis oraculo quod tanto incommodo celeri reformatione faceremus occurri' (Wilkins, ii. 33). 'Praelarae considerationis vestrae, pater sanctissime, oculus non ignorat qualiter sancta informatione vestra edoctus processerim ad extirpandam effraenatam quorundam . . . audaciam . . . occupantium beneficia plurima . . .' (*Registrum*, i. 137).

²⁷ 'Decernentes . . . ut quicumque in posterum plura beneficia curam animarum habentia absque sedis apostolicae dispensatione receperit . . . sit eo ipso priuatus omnibus sic obtentis beneficiis ipsoque facto excommunicationis sententia permaneat innodatus' (Wilkins, ii. 34). The excommunication of pluralists is peculiar to Peckham's constitution, and Lyndwood had some not very reasonable doubts as to whether it was lawful for the archbishop to inflict it (*Provinciale*, p. 137, gl. ad v. *innodatus*). The decree *De Multa* declared that any clerk who should strive (*contenderit*) to retain more than one benefice was to be despoiled of all. His benefices were not, however, regarded as vacant *eo ipso*, but could only be confiscated after legal process (c. 28 in Sexto, iii. 4; c. 28 x. iii. 5, gl. ad v. *contenderit*; c. un. *Extravag. Ioann. XXII.* 3, gl. ad v. *ipso iure secundo privati*; compare the constitutions of the province of Arles in Mansi, xxiii. 342, xxiv. 953). Peckham's enactment therefore marks an advance on this regulation. But his interpretation of Ottobon's measure suggests that he thought he was merely giving effect to *Ordinarii locorum*. In reality, however, he was going beyond it. It must be understood that, while simultaneous possession of two benefices made a man a pluralist, the legislation of Ottobon and Gregory X was directed only against the validity of a third institution or collation. Their object was to put a check on prelates who by their connivance or carelessness enabled unscrupulous clerks to infringe *De Multa* with impunity. Under that decree a clerk might receive any number of benefices in succession: legally, of course, the reception of each involved the forfeiture of all previously acquired; but in practice these were frequently kept. Under *De Multa* it was indeed the duty of ordinaries to despoil the pluralist of his cures; but plurality was not made a ground for refusal to institute to any additional ones. Moreover, a pluralist might hold one cure in each of several dioceses, and it might be that none of the bishops with jurisdiction over him had any knowledge of his unlawful position. The object of Ottobon and Gregory was to place an automatic check on unconscientious prelates, to make it incumbent on all to inquire concerning the antecedents of candidates for benefices, and, in alliance with *De Multa*, to attack the pluralist, as it were, from two sides. They would not prevent a man with one benefice from securing a second. He had a right to look for promotion; as soon as he was in possession of his new cure, *De Multa* would automatically deprive him of a claim to his former one; and as yet he had given no proof of any intention to infringe that decree. But when once a man had actually kept his hold on two benefices, he stood self-condemned as a law-breaker, and was entitled to no consideration in future. Any further institution or collation in his favour was therefore to be void. His title might be impugned by any one; and the offending ordinary would presently find some other clerk collated by his superior on the ground that the benefice in question had been technically vacant for more than six months. Ottobon, moreover, imposed special

All this seems quite in keeping with Peckham's character as a strong papalist and stern disciplinarian.

But it was five years since the council of Lyons, and in that time a number of English pluralists had doubtless added to their benefices. Ought Peckham to have deprived them of all acquisitions made after the decree *Ordinarii locorum* had been issued two months? ²⁸ Lyndwood says 'Yes', but he was writing a hundred and fifty years later about a matter of no practical interest to his contemporaries. It must be remembered that the archbishop was putting into force what was for England a new law; he himself tells us that the decrees of the council of Lyons had hitherto been entirely ignored.²⁹ We do not know Peckham's views as to how far a papal decree bound those who had not heard of it; but in a later pronouncement he implies that ignorance was a weighty excuse.³⁰ Of course the English prelates were to blame for not publishing the conciliar decrees and putting them into force; and Archbishop Kilwardby had paid for his negligence by a degrading promotion. But to give retrospective force to the second part of the decree *Ordinarii locorum* would as a rule punish not the chief offenders, but those on whom they had unlawfully conferred benefices. Such action, too, would have given rise to glaring anomalies. Suppose a clerk with three benefices, one of which had been conferred since 1274. Peckham confiscates this under *Ordinarii locorum*. In his opinion, it seems, the other two benefices would, under *De Multa*, have fallen vacant by the acquisition of the third.³¹ The poor clerk would thus have

penalties on negligent prelates. It was therefore not merely the duty but the interest of ordinaries to inquire concerning the antecedents of those who were presented to them for institution or whom they wished to collate to benefices. Lay patrons would also be concerned to ensure a strict investigation.

²⁸ In Lyndwood's day a papal decree was regarded as binding on all, even the ignorant, when it had been issued for this length of time (*Provinciale*, p. 51, gl. ad v. *excommunicationum sententiae*). The rule is not laid down in the canon law, and the principle was apparently derived from the civil law (Nov. 66). Lyndwood refers to glosses by the canonists Guido de Baysio and Johannes Andreae. The works of both are subsequent to the constitution *Audistis*. Johannes Andreae's opinion was disputed by contemporary canonists (in datis in Sexto, gl. ad v. *anno quarto*). Schulte (*Das Katholische Kirchenrecht*, i. 84f.) says that the rule became generally recognized by medieval canonists. Hinschius, on the other hand, points out that it was never officially sanctioned, and insists that papal decrees acquired universal validity immediately on publication. At the same time, he adds, a plea of excusable ignorance would receive consideration in the church courts (*Das Kirchenrecht der Katholiken und Protestanten in Deutschland*, iii. 779 f.).

²⁹ 'Reiectis circa hoc statutis concilii Lugdunensis' (*Registrum*, i. 137). Cf. Wilkins, ii. 51.

³⁰ Wilkins, ii. 51. The archbishop of Salzburg took the same view. The decrees of the council of Lyons are to be frequently published 'ne quemquam totius provinciae probabilis error et ignorantia valeat excusare' (Mansi, xxiv. 136). Compare the statement of Hinschius cited above.

³¹ That this was Peckham's opinion is, I think, to be inferred from his interpretation of Ottobon's constitution. It is doubtful, however, whether most of his con-

lost everything. Now a brother pluralist who had been lucky enough to receive his last benefice before the council of Lyons might keep it. Mere equity thus compelled Peckham to act as he did. The second part of the decree *Ordinarii locorum* was meant to check the ordinaries from conniving at an extension of the abuse; it was totally unsuited for retrospective application. It was in any case a clumsy device, and seems soon to have become a dead letter. In 1281 the archbishop of Salzburg ignored it, and so did subsequent popes in their decretals.³²

The author of the *Ordinarii locorum*, indeed, did not intend to deprive any pluralist of all his cures unless he persisted in his wrongdoing. That Peckham recognized this is clear from his treatment of Ottobon's constitution *Christianae religionis*. Everything he says about it would apply to *Ordinarii locorum*. For the attitude of Ottobon merely anticipated that of Gregory X: an existing pluralist may keep his last benefice, but in future any institution or collation in favour of an undispensed pluralist is to be null and void.³³ Now this measure greatly complicated the situation. It was promulgated in 1268, but had produced no effect. If enforced strictly, it would have given rise to injustice and anomaly of exactly the same kind as would have been

temporaries would have agreed with him. A man has two benefices, A and B. Under *De Multa* A is legally vacant since he acquired B; but his title to B is sound. He is then granted a third benefice C. Under *Ordinarii locorum* his institution or collation to this is of no force; in the eyes of the law he never holds C at all. Must he then forfeit B, to which he has been canonically instituted? Peckham would apparently have replied in the affirmative; but later decretals, as we have seen, assume that one benefice will be left to the pluralist. Either they are simply ignoring *Ordinarii locorum* or they consider that, in a case like that supposed above, benefice B might lawfully be retained. If we accept the latter alternative, Lyndwood's argument falls at once; technically B is the last benefice in question. But Peckham evidently held that benefice B was forfeit, and we must look at the matter from his point of view, which indeed was shared by eminent canonists after his time (c. 3 Clem. iii. 2, gl. ad v. *vacare*).

³² Its existence is not hinted in later decretals regarding pluralities. If it had been generally enforced, it would inevitably have given occasion for special decisions as to its effect. Later canonists were puzzled by the clause in the decree *Execrabilis* which allows undispensed pluralists to keep their last benefice; their perplexity, however, was not due to *Ordinarii locorum*, but to other and much less specific texts (c. un. *Extravag. Ioann. XXII.* 3, gl. ad v. *ex collatione canonica*).

³³ Wilkins, ii. 12: 'Praecipimus ut de praeteritis ante hanc nostram constitutionem circa beneficiorum cum cura pluralitatem . . . praelati . . . diligenter inquirant, et in illis faciant statutum generalis concilii fideliter observari. . . . In posterum autem cum ad beneficium curam habens animarum quenquam praesentari aut ipsius collationem alias fieri contigerit, statim ut praelatus . . . diligenter discutiatur et inquiratur utrum habeat praesentatus . . . beneficia alia curam animarum habentia, et si quidem habeat, an illa cum dispensatione an sine illa tenuerit; quam si se habere asserit, illam intra terminum a praelato statuendum . . . ipsi praelato exhibere procuret, alioquin extunc nullatenus admittatur. Quod si aliter institutus fuerit, nulla institutio sit ipso iure.' Peckham wrongly interpreted this enactment as depriving any pluralist of his last benefice (Wilkins, ii. 33). Lyndwood's criticisms of him are, however, excessively severe.

occasioned by a retrospective application of the second part of the decree *Ordinarii locorum*, and the number of hard cases would have been still more numerous. Ottobon, moreover, had appended several regulations to ensure the execution of his enactment; but if Peckham had tried to apply these as from 1268, he would have created inextricable confusion regarding both the possession and the patronage of benefices.³⁴ Indeed, with suits about patronage in the hands of the secular courts, writs of prohibition would probably have defeated his policy altogether. In the interests of his own success the legatine constitution must be set aside. But it was good law for Englishmen; and it would not do to let off offenders against *Christiane religionis* while penalizing those who in a precisely similar way had ignored *Ordinarii locorum*. We have here, therefore, another reason for Peckham's alleged 'illegality'.

In view of these considerations Lyndwood's criticism would probably have astonished Peckham not a little. At all events, he seems quite unaware of any possibility that the terms of his constitution may involve a breach of the decree *Ordinarii locorum*. He gives an elaborate explanation of his treatment of a legatine constitution; all the more, one would think, ought he to apologize for similar disregard of a papal decree. As a matter of fact, he says nothing whatever about it. This surely shows that he regarded *Ordinarii locorum* as a new law which he was introducing into England for the first time, and which must take effect as from the date of the council of Reading. English opinion regarded him as faithfully carrying out the wishes of the general council,³⁵ and it is significant that while he was afterwards criticized and laughed at in Rome for his leniency to English pluralists, no one seems to have taken exception to the constitution *Audistis*.³⁶

Peckham's constitution has hitherto been discussed as if he had drafted and issued it on his own initiative. But it must not be forgotten that he came to England armed with special

³⁴ See § 5 of Ottobon's constitution. Many clerks who had received their benefices, as they thought, in strict compliance with the law, would have had their titles impugned, and for that turn patrons would have lost their right of presentation for not filling the vacancy within six months after it legally occurred. Half the English church would have been turned upside down.

³⁵ *Chron. Wykes*, p. 281: 'Dominus Cantuariensis . . . apud Radinges . . . celebravit generale concilium in quo constitutiones concilii generalis quod silentio praeferre non conuenit, innouauit, videlicet quod singuli rectores ecclesiarum unico tantum beneficio curam animarum habente cogerentur esse contenti.' Cf. N. Trivet, *Annales*, p. 286: 'Frater Iohannes Cantuariensis archiepiscopus, conuocato concilio apud Redingiam, suffraganeis suis imposuit, ut statuta generalis concilii facerent artius obseruari.'

³⁶ He was rather condemned for not enforcing it (*Registrum*, i. 143, 199). Later still opinion at the curia was inclined to condemn Peckham for undue severity (*ibid.* pp. 219, 228, 377).

instructions from Nicholas III, and that, in a letter to the pope himself, he afterwards claimed to have followed those instructions.³⁷ It is certain, therefore, that Nicholas had given him great discretionary power,³⁸ which was presumably used to set aside Ottobon's constitution. We might then admit Lyndwood's view that Peckham's action was 'expressly contrary' to *Ordinarii locorum*, and yet save his reputation as a papalist; for his assertion that he had followed the pope's advice would have been foolish if he had set aside a papal decree without authorization. That Nicholas III was prepared to give such authorization we may readily believe; but, as we have seen, Peckham considered that there was no need for it.

The conclusion to be drawn is that in the constitution, as everywhere else, Peckham shows himself a perfectly obedient son of the papacy. Apart from the instructions of Pope Nicholas there were excellent and valid reasons for his action. There is no ground for supposing that he wished to derogate from the authority of a papal decree, or that he was driven to do so by the determination of his suffragans to uphold the liberties of the English church. In regard to pluralities, indeed, Peckham seems to have met with no organized resistance. Of course there were many offenders who strove to evade the constitution *Audistis*; but there is no evidence that the few who attempted to justify their resistance made any appeal to the 'canon law of England'. When Peckham refused to confirm the election of a pluralist to the see of Winchester, the disappointed aspirant could think of no more promising device than an appeal to Rome.³⁹ Otherwise Peckham's open foes were mostly king's clerks, and they wisely put their trust in Edward.⁴⁰ The English clergy must have rated the liberties of their church very low if they preferred to commit their fortunes to the *plenitudo potestatis* and the temporal power.

W. T. WAUGH.

³⁷ *Registrum*, i. 137. Peckham clearly regarded the pope as inclined to leniency, *ibid.* p. 138, where the archbishop explains his attitude towards Anthony Bek.

³⁸ It was evidently thought in 1280 that Peckham was concealing some of his authority (*ibid.* p. 144).

³⁹ *Ibid.* p. 206 *et passim*.

⁴⁰ *Ibid.* pp. 197 f., 252. Considering the widespread nature of the abuse, there is remarkably little about pluralities in Peckham's correspondence.

The Visitation of the Province of Canterbury, 1559

IN this paper I deal with the proceedings of the commissioners who carried out the royal visitation of 1559 in the province of Canterbury and thereby took the first step towards bringing the 'alteration of religion' which was enacted by the parliament of 1559 into practical effect. No official report of their operations has survived, and such knowledge as exists regarding them has to be gleaned from scattered references in contemporary records. A number of these have been collected by Dr. Gee in chapter v of his *Elizabethan Clergy*. In the following pages an attempt is made to add to the information which he has brought together.

I. THE VISITORS

For the purpose of the visitation the whole of England and Wales was divided into six circuits, of which one dealt with the northern province and the other five with the province of Canterbury. The names of the visitors are given in several contemporary records, those of the northern circuit in their letters patent,¹ and those of the other circuits in (i) the writs which they issued suspending the powers of the dean and chapter of Canterbury,² (ii) a list endorsed on the draft of the writ which terminated their proceedings,³ (iii) a list which was drawn up under Cecil's supervision. This latter list is of special interest because it arranges the names in columns according, it may be presumed, to the nature of the work assigned. The first column gives the preachers who accompanied the visitors, one for each circuit, then come the divines, lawyers, and registrars, then follows a column with the names of the sees, and finally two columns contain the names of noblemen, privy councillors, and county magnates.⁴ The men whose names are entered in the first two columns were the working members of the commissions.

¹ Gee, *Elizabethan Clergy*, p. 89.

² Canterbury Chapter Library, Sede Vacante Register, 1558-9, pp. 4, 5. Cf. Gee, pp. 94 *seqq.*

³ State Papers, Dom., Eliz., vol. vii, no. 79. This list gives only the divines and lawyers who did the work of the visitation.

⁴ Appendix i (below, p. 658).

The noblemen and gentry, though individuals among them attended at particular sessions, took little part in the proceedings.

As regards the political and religious opinions of the visitors, Dr. Gee remarks :

It must however be emphasized that the visitors do not as a rule appear to have been chosen on account of their religious opinions. The only exception is in the case of the divines who accompanied the visitors as preachers: they were in every instance in sympathy with the principles of the settlement. It was the business of the others to administer that settlement and to do nothing else.⁵

I do not think that this description of the opinions of the members is quite accurate. It would be more correct to say that, omitting the lord-lieutenants of counties, they were for the most part adherents of the new order. The whole body of members may be divided into four classes, (i) lord-lieutenants,⁶ (ii) divines, (iii) lawyers, (iv) country gentlemen. The lord-lieutenants were not expected to take part in the visitation, but merely to lend the support of their authority to the working members, should the necessity arise, within their jurisdictions. Instructions to this effect were issued to the London visitors and no doubt to other circuits as well.⁷ Of the remaining members the principal were the divines and lawyers. Their importance is shown by the fact that their names almost always appear in official documents recording the acts of the commissioners, and that they are the only names mentioned in the letters patent issued to the visitors in the autumn of 1559 for the admission of clergymen to government livings.⁸ With one exception (Meyrick) the divines (Becon, Horne, Bentham, Jewel, Davies, Young, Meyrick, Sandys) were all prominent reformers, and all save Meyrick had fled to the Continent in Mary's reign. The preachers (Wisdom, Alexander Nowell, Alley, Lever), who were not official members, belonged to the same school of opinion as the divines. Of the lawyers, eight (Weston, Robert Nowell, Huyck, Fleetwood, Nevinson, Parry, Kingsmill, and Pates) were supporters of the new order, two (Lovelace and Salvyn) have left no record of their religious opinions; of one only (Harvey) who held ecclesiastical office under Edward, Mary, and Elizabeth, can it be said that, though he was ready to serve both sides, his sympathies were probably hostile to reform. Finally, the country gentlemen, so far as it is possible to identify them, were for the most part reformers.

⁵ *Op. cit.*, p. 95.

⁶ Their names are printed in small capitals in appendix i. A list of lord-lieutenants dated 26 May 1559 is given in *State Papers, Dom., Eliz.*, vol. iv, no. 29.

⁷ Appendix ii. I have to thank the authorities of the Inner Temple for permission to print this document.

⁸ Record Office, Warrants for the Great Seal, 2nd series, files 1069-73, *passim*.

The opinions of several can be ascertained from the returns of justices of the peace which were made to the government by the bishops in 1564.⁹ These returns classified justices as favourers, i.e. adherents of the established religion, hinderers, i.e. adherents of Rome, and indifferent. The returns are not complete, and many of the country gentlemen who served as visitors do not appear in them, but where one does appear he is almost always classed as a favourer. The presumption, therefore, is that they were generally adherents of the new order, and were selected because the government knew them to favour its policy.

As I mentioned above, the province of Canterbury was divided into five circuits. The following pages record what is known of the proceedings of each.

II. SOUTH-WESTERN CIRCUIT

Gloucester, Bristol, Bath and Wells, Exeter, Salisbury

The traces which the south-western circuit has left of its progress are sufficiently numerous to make it possible to draw up its itinerary. On 1 August Jewel wrote to a correspondent at Bâle that he was just starting on a visitation through Reading, Abingdon, Gloucester, Bristol, Bath, Wells, Exeter, Cornwall, Dorset, and Salisbury.¹⁰ This list was no doubt taken from an official programme and presumably mentions the various places in the order in which it was intended to visit them. Other sources of information which will be quoted later show the course of the tour to have been approximately as follows :

1 August	leave London
10 "	Salisbury
	Reading
	Abingdon
	Chipping Norton
	Gloucester
1 September	Bristol
8 "	Wells
20 "	Exeter
7 October	Totnes
8 "	Exeter
14 "	Honiton
15 "	Lyme
24 "	Salisbury
1 November	return to London.

Apart from the visit to Salisbury on 10 August the above itinerary corresponds with that given by Jewel and is the one which

⁹ *Camden Miscellany*, vol. ix.

¹⁰ *Zurich Letters* (Parker Soc.), 1st series, pp. 39, 22.

persons having to traverse the bishoprics of Gloucester, Bristol, Bath and Wells, Exeter, and Salisbury would naturally take. It is difficult to fit in the sitting at Salisbury on 10 August with this programme, but since it is certain that the visitors were there on that date, and since August is the only month in which they can have dealt with the northern part of their circuit, we must assume that they paid a short visit to Salisbury at the beginning of the tour and then travelled north viâ Reading and Abingdon and continued it in its natural order.

We now turn to their detailed proceedings. On 10 August they gave statutes at Salisbury to the dean and canons, signed by Sir John Thynne, Jewel, Lovelace, and Parry.¹¹ Here as elsewhere they summoned the officials of the cathedral before them. Harding, the theologian, who was one of the canons, refers to their proceedings in his famous controversy with Jewel. The latter, in the *Defence of the Apology*, had asserted that he was a lawfully constituted bishop, and that Harding, as canon, had voted for him in his election to the bishopric of Salisbury. Harding replied that he had not been present, and went on :

You knew it, you knew it right wel M. Jewel, that both I, and M. Rich. Dominike, that Reverend and vertuous Priest, Preb: also there (whom in your visitation for the Quenes highnes, ye appointed to be a prisoner, as also myself in myne owne house at Sarisburie) utterly, and with expresse words refused to geve our voices, and consent to your pretensed Election.¹²

The churchwardens of Mere, a village in Wiltshire, attended twice at Salisbury. They note in their accounts that they spent 2s. on taking down their altars by order of the commissioners and 17s. 9d. on other expenses in attending upon them.¹³ The churchwardens of St. Thomas, Salisbury, spent 4s. in connexion with the visitation.¹⁴ From Salisbury, Jewel and his companions turned north. The next place at which they left a trace of their passage was Reading, where the churchwardens of St. Mary paid 2s. for making their 'bill' and 6d. for the injunctions.¹⁵ At Abingdon, probably their next stopping-place, a clergyman named Edward Chamber refused to subscribe, and was ordered to appear at Windsor on 26 October.¹⁶ The churchwardens of Stanford-in-the-Vale put in a bill here at a cost of 2s. 1d.¹⁷

¹¹ W. H. Frere, *Visitation Articles*, iii. 30 ; E. A. Dayman, *Statutes*, p. 105. These authors give the name of Sir John Thynne, no doubt by a misprint, as John Cheyne.

¹² T. Harding, *A Detection of Sundrie Foule Errours*, 1568, p. 233. In the editions of the *Defence of the Apology*, which were published after the issue of the *Detection* and purported to answer it, Jewel retained unchanged the passage which Harding had challenged, without noticing Harding's denials. See p. 157 of the edition of 1570 and p. 152 of that of 1571.

¹³ Appendix iii. 1.

¹⁴ *Ibid.* 2.

¹⁵ *Ibid.* 3.

¹⁶ *Parker Letters* (Parker Soc.), p. 96.

¹⁷ Appendix iii. 4

From Abingdon the visitors went on to Gloucester viâ Chipping Norton. At Gloucester they deprived Richard Ramsey, incumbent of Shenington,¹⁸ and issued injunctions to the cathedral chapter directing the canons, *inter alia*, to wear grey amices during divine service.¹⁹ The town of Minchinhampton spent 11s. 5d. in attending on the visitors here, and in putting in inventories and lists of births, marriages, and deaths. Two appearances were made, first of the churchwardens and six parishioners before the visitors, and again of the churchwardens and three parishioners before the mayor and others; on the latter occasion they put in an inventory of the church goods.²⁰ At first sight it is difficult to understand what the mayor of Gloucester had to do with the church goods of Minchinhampton. The explanation is that the commissioners, before leaving Gloucester, must have appointed the mayor and other citizens to be sub-commissioners for the disposal of business which they themselves had left unfinished. Their commission empowered them to make such appointments²¹ and they evidently acted on it at Gloucester, as we shall see later that they did elsewhere. Further news of the visitors at Gloucester, and of the varied feelings which their coming aroused, is given by John Louth, archdeacon of Gloucester, in his reminiscences. Louth tells us that Jewel, Parry, Lovelace, Alley, Dalaber, and others, after a session at Chipping Norton, set out for Gloucester, where they were expected about 3 p.m. The date is not given. At one o'clock Jennings, the dean of Gloucester, after dining with Williams, the chancellor, was preparing to set out to meet them. On his asking Williams to accompany him, the chancellor replied that he would neither meet them nor see them. Jennings therefore set out alone. Soon after he had started a man followed him with the news that Williams had been suddenly taken ill and was speechless. Jennings rode on, met the visitors, and told them what had

¹⁸ Appendix iv. 1.

¹⁹ On 24 January 1561 Richard Cheyney, afterwards bishop of Gloucester, wrote to Archbishop Parker, 'The 21 of this Januarie I recd. a letter from Mr D. Powell chauncelor of Worcester who by his letter in y. g. name desyred me to assist hym to preche 2 or 3 sermons at Worcestor the 3 & 4 of Februarie when your visitation be-ginneth there w^c I have promysed yf God gyve me leave yf you send hym worde to alter the grey amysis at Gloucest used by the commaundment of the Quenes highnes visitors for an uniformitie to be used in all churches I suppose it might doo well Mr deane ther will not alter them but by the commaundment of higher power: ' Corpus Christi Coll., Cambridge, MS. 114, p. 797. I wish to take this opportunity of acknowledging the kindness of Mr. C. W. Moule, librarian, in affording me facilities to consult the manuscripts in the library.

²⁰ Appendix iii. 5.

²¹ The letters patent issued to the northern commission authorized the delegation of powers: Gee, *Elizabethan Clergy*, p. 92. It will be shown later that the letters patent issued to the south-western circuit were identical with those granted to the northern body.

happened. They sent forward a messenger in haste to reassure the chancellor and promise that no harm should come to him, but before they arrived he was dead. The uncharitable narrator ascribed the death to suicide. A more reasonable explanation is that apprehension and grief working on the mind of a man attached to the beliefs which the commissioners were suppressing precipitated an attack of apoplexy.²²

While they were at Gloucester, or perhaps after they had left it, the visitors made another delegation of their powers to Walter Jones, an ecclesiastical lawyer. This fact appears from a certificate or *significavit*, dated 8 December 1559, in which Jones, purporting to act as *subdelegatus sive surrogatus* of Jewel and his colleagues, required the court of chancery to arrest Joan Cheltnam, who had been excommunicated for contumacy by Williams, the late chancellor.²³ There is nothing to show what powers were conferred on Jones, but it may be presumed that he was appointed for the purpose of discharging the duties of chancellor.

The next trace of the visitors is found at Bristol, where Jewel received a letter from Peter Martyr.²⁴ A volume in the Bristol consistory court containing a list of deans has the following entry against the name of Henry Joliffe, who was dean at Elizabeth's accession :

Henricus Jolliffe, theologie Baccalaureus : per deprivationem dicti Carew fuit institutus 20 August. 1554. . . mansit decanus 20 April. 1559 et 1^o Eliz: (ut lib: 2. 142) Postea cum Dalby aufugit, adeoque 29 August. citati fuere per Johannem Jewellum et commissarios ad comparandum 1^o Septembris eodem anno. (patet citatio.)

1559 G. Carew (Joliff deprivato) iterum restitutus decanus x^o Novembris 1559.²⁵

Churchwardens' accounts furnish further items of information. The churchwardens of St. John the Baptist, Bristol, attended and put in answers to the articles and an inventory of church goods, those of St. Mary Redcliffe took down their altar 'against the visitation', those of St. Mary-le-Port also appeared.²⁶ From Yatton, a village in Somerset, the churchwardens attended at Bristol and presented an inventory of their church goods.²⁷

On 8 September the visitors were at Wells, where Jewel, Parry, and Lovelace, the active members of the commission, ejected John Kerell from the rectory of Priston, a village near

²² *Narratives of the Reformation* (Camden Soc.), pp. 20 ff. ; Foxe, *Acts and Monuments* (ed. 1849), viii. 646, 647.

²⁴ *Zurich Letters*, 1st series, pp. 44, 25.

²⁵ *Notes and Queries of Somerset and Dorset*, vi. 133, 143, 182. Dalby was a prebendary : Gee, *op. cit.*, p. 256.

²⁶ Appendix iii. 6.

²⁷ *Ibid.* 7.

Bath, and reinstated John Coles, who, as their sentence declared, had been 'iniuste spoliatus et deprivatus', presumably for marriage, in the reign of Mary.²⁸ On the following day they gave statutes, signed by Sir John Thynne and the three members mentioned above, to the dean and prebendaries of the cathedral.²⁹

From Wells they went to Exeter, stopping no doubt at several centres on the way. One of these was probably Taunton. The register of Berkeley, the first Elizabethan bishop, records that Giles Hilling, rector of Skilgate in the archdeaconry of Taunton, absented himself from the visitation, and that Clement Whately was instituted to the living of Pitminster, in the same archdeaconry, by Lord Howard of Bindon and the other royal commissioners.³⁰ The mention of Lord Howard of Bindon is of interest as furnishing one of the few instances in which a peer took part in the proceedings of visitors.

At Exeter the attendance of commissioners was larger than at any other recorded session. The chapter acts mention that Sir Peter Carew, Sir John St. Leger, Sir John Chichester, Sir Arthur Champernown, with Jewel, Parry, and Lovelace, began their visitation in the chapter-house in the latter part of September.³¹ On the 20th they ejected Richard Harte from the living of Uplyme in Devonshire and restored Christopher Pitt, who had been ejected in 1554.³² At Exeter the churchwardens of Morebath, Devonshire, appeared twice, putting in, at the second attendance, an inventory of church goods and a list of communicants and of all who had been christened, married, or buried since midsummer 1558.³³ The parish of South Tawton, Devonshire, made a payment of 10s. on behalf of its vicar, for what purpose is not stated, on the same occasion.³⁴

After some sessions at Exeter the commissioners visited Barnstaple and Totnes and perhaps other centres. At Barnstaple the churchwardens of St. Peter's attended on them for three days and put in an inventory of church goods and a bill of presentments.³⁵ On 7 October they were at Totnes, where the churchwardens of Dartington and Ashburton appeared before them.³⁶ From Totnes they returned to Exeter and held sessions from the 9th to the 13th.³⁷ Here, as at other cathedral cities, they drew up statutes for the chapter, requiring the canons, among other things, to hold a daily service in the cathedral at 6 a.m. before morning prayer.³⁸ This prescription led to an incident which

²⁸ *Parker's Register* (Canterbury and York Soc.), pp. 176, 177.

²⁹ H. E. Reynolds, *Wells Cathedral*, pp. clv-clvii; Frere, *Visitation Articles*, iii. 36.

³⁰ F. W. Weaver, *Somerset Incumbents*, pp. 419, 435.

³¹ Gee, *op. cit.*, p. 100.

³² Appendix iii. 8.

³³ *Ibid.* 11, 12.

³⁴ Frere, *Visitation Articles*, iii. 39.

³⁵ Appendix iv. 2.

³⁶ *Ibid.* 10.

³⁷ Gee, p. 100.

may most conveniently be noticed here, although it did not take place until the visitation was over. In the beginning of December a number of zealous worshippers, some of them strangers, others local citizens, insisted on joining in the early morning service in the cathedral by singing psalms. The canons, regarding the practice as an infringement of the order laid down by the visitors and finding that it disturbed the service, attempted to stop it. Thereupon a complaint was made in London, and three of the visitors, Jewel, Lord Mountjoy, and Mohun, wrote to the chapter on 16 December, rebuking them for restraining the godly zeal of the people of Exeter and commanding them peremptorily to permit the singing of psalms to continue. A week later the court of high commission sent a second letter to the canons supporting the order of Jewel and his companions. To the letter of the visitors the chapter replied that the singing of psalms had been forbidden because it was not authorized by the order of worship prescribed by them and was therefore a contravention of the act of uniformity.³⁹ The further correspondence has not survived, so that it is not possible to say whether the psalm singers or the canons gained their way in the end. The incident is of interest as furnishing an instance in which visitors continued to take action after they had returned to London.

The visitors left Exeter on 13 October, went on to Honiton, where the churchwardens of Kilminster, Devonshire, appeared before them,⁴⁰ and reached Lyme on the 15th. From Lyme they sent back a letter to Exeter which adds considerably to our knowledge of the way in which they did their work. The letter was addressed to Mr. A. Gibbes,⁴¹ with the mayor and other commissioners at Exeter, and required them to see that the vicar of Bodmin⁴² made a recantation, of which the form was enclosed. The Exeter sub-commissioners were required further to pass on the orders to Sir John Chichester and other sub-commissioners at Bodmin in order that the vicar might also read his recantation in Bodmin parish church and elsewhere.⁴³ This letter shows Jewel and his companions making an active use of their powers of delegation. Sir John Chichester, a Devonshire magnate, who was one of their number, had evidently been appointed, with others, sub-commissioner for Bodmin and its

³⁹ Wilkins, *Concilia*, iv. 200; *Parker Letters* (Parker Soc.), p. 107. Dr. Frere seems to be mistaken in saying (*History of the English Church*, p. 44) that the order of the court of high commission was issued on appeal. It was issued (23 December) before the representation of the canons (24 December) was written.

⁴⁰ Appendix iii. 13.

⁴¹ Gibbes was one of the bailiffs of Exeter in 1560: A. Jenkins, *Exeter*, p. 129.

⁴² His name was John Dagle: J. Maclean, *Trigg Minor*, i. 148.

⁴³ Appendix vi.

neighbourhood.⁴⁴ The vicar of Bodmin had appeared before the delegates, had failed to comply with their demands, probably by refusing to make the declaration of assent to the prayer book, and had been sent into Exeter for the principal visitors to deal with. He had there, we may presume, appeared before them and yielded the submission which he had refused at Bodmin. Since he remained vicar till his death this assumption may safely be made.⁴⁵ Before leaving Exeter the visitors appointed Gibbes and others to be sub-commissioners for the disposal of unfinished business from Exeter and its neighbourhood. It was to these men that they addressed their letter of 15 October from Lyme. This single letter thus shows them as having appointed delegates in two separate places. There is no reason to doubt that they did so elsewhere, and their action enables us to understand how they got through the immense amount of work imposed on them by their commission.

The postscript to their letter, forwarding blank licences for transmission to Sir John Chichester, gives evidence of activity in another direction. By a proclamation issued at the end of December 1558 the government had prohibited preaching throughout England. The prohibition was meant to be temporary, pending the contemplated settlement of religion. Accordingly the injunctions issued in connexion with the visitation had provided for the subject,⁴⁶ and the commission granted to the visitors had authorized them to license preachers.⁴⁷ The blanks sent to Sir John Chichester were no doubt such licences. It was evidently left to the discretion of Sir John and his unknown colleagues to select men suitable for appointment, another indication of the extent to which the principal visitors made use of their powers of delegation. A further reference to the action of the sub-commissioners at Bodmin is contained in the accounts of the churchwardens of Stratton, Cornwall, who spent £1 7s. 10d. there at the 'boshipes' [bishop's] visitation.⁴⁸ It was no doubt on the same occasion that the wardens of Bedminster's charity, Stratton, paid 5s. 2d.⁴⁹

From Lyme, Jewel and his companions travelled eastward. The next place at which we find them is Salisbury, where they had already held a sitting on 10 August. A case which was tried in the court of common pleas in 1599 gives information of their

⁴⁴ It is possible that between 20 September, when they were at Exeter, and 7 October, when they were again there, they visited Bodmin, but having regard to the distances I think it more probable that they left Cornwall to sub-commissioners.

⁴⁵ Maclean, *Trigg Minor*, i. 148.

⁴⁶ Gee, *op. cit.*, p. 49, Injunction no. 8.

⁴⁷ *Ibid.* p. 91, last two lines.

⁴⁸ Appendix iii. 14. 'Bishop' is a mistake of the man who prepared the account. From the nature and date of the entries it is clear that the visitation referred to was the queen's visitation.

⁴⁹ Appendix iii. 15.

proceedings on this occasion. The case was concerned with the advowson of Burwardscot, or Burscot, a Berkshire living, to which three several patrons presented in turn. The question in dispute was to whom of the three patrons the right of presenting in a particular vacancy belonged. In 1554 the then incumbent, Henry Parry, had been deprived for marriage and one Richard Akers instituted in his place. In 1559 Akers had been ejected and Parry restored. In the case of 1599 the plaintiff claimed that Akers ought to be counted in the chain of incumbents, he having occupied the living from 1554 to 1559, while the defendant asserted that he ought not, since his occupation had been unlawful. In order to prove this plea the defendant gave the following account of Parry's restoration in 1559. On 24 October 1559 Lord Mountjoy, Sir John Thynne, and Jewel held their visitation at Salisbury, when Parry complained that, contrary to the laws of England and of the church, he had been deprived of the living of Burscot and Richard Akers had been appointed to it in his place. The visitors, after hearing Parry and Akers, resolved that Parry had been unjustly deprived by a judge lacking jurisdiction in defiance of ecclesiastical law and the law of England. They held that Akers had unlawfully intruded on property to which he had no just claim, and accordingly they removed him and restored Parry. The judges at Westminster accepted this view in 1599, holding that by virtue of the sentence of the visitors Parry must be regarded as having held the living continuously notwithstanding the intrusion of Akers in 1554-9.⁵⁰

The pleadings from which the above facts are taken also give information as to the nature of the commission under which the visitors acted. The original letters patent, which ought to have been entered on the patent roll, are not to be found there, but an official copy of those granted to the northern visitors is extant.⁵¹ No trace of those issued to the several sets of southern commissioners has hitherto been found, and it has been merely a matter of presumption that they were uniform with the northern letters.⁵² The pleadings referred to above supply this deficiency so far as the south-western circuit is concerned. They set out that on 24 June, the date which the northern letters bear, letters patent were issued to Jewel and his companions to visit Salisbury and the other bishoprics of the south-western circuit, and they go on to quote parts of the document. On comparing the parts which they quote with the northern letters the two are found to agree practically word for word. The only difference of

⁵⁰ Appendix vii.

⁵¹ State Papers, Dom., Eliz., vol. x, pp. 1-6; printed by Gee, *op. cit.*, p. 89, and elsewhere.

⁵² Gee, p. 94.

substance is that the quorum of visitors is fixed at three, instead of two, as in the northern commission. It is thus established that letters patent were issued to the south-western circuit on the same day and in the same terms as to the northern commissioners. No doubt the same is true of the four other circuits of the province of Canterbury.

The 25th of October was probably the last day on which the visitors held a session, for Jewel was in London on 2 November.⁵³ As they had left Exeter on the 14th they can have had little time to give to the county of Dorset, which must have been dealt with partly at Salisbury and partly by sub-commissioners. The records of the town of Poole show that as late as 28 November the 'Queen's Majesty's commissioners', who must have been delegates from the main body, were at work at Blandford, in Dorset. On that day the churchwardens of St. James, Poole, put in an inventory of church furniture with a list of christenings, marriages, and burials, reported that all their images had been defaced and burnt, and certified that the sacraments were administered as prescribed by the prayer book.⁵⁴ We have here another instance of the operations of sub-commissioners. Since the main body of visitors was back in London by 2 November the Dorset delegates must have been at work for a month, perhaps more.

III. SOUTH-EASTERN CIRCUIT

Canterbury, Rochester, Chichester, Winchester

The records of the south-eastern visitation are very meagre. Hitherto nothing has been known of its proceedings beyond a few answers to interrogatories by the chapter of Canterbury.⁵⁵ I have succeeded in finding some further traces, although not sufficient to draw up an itinerary.

On 25 August the visitors sat at Ashford in Kent, when the churchwardens of Hawkhurst spent 18s. 2d. and those of Smarden 4s. 7d. on expenses connected with the visitation.⁵⁶

One of their acts involved them in a lawsuit. In the course of their proceedings they instituted John Warner to the living of Wonston, or Wonsington, in Hampshire. In 1560 Becon, Weston, and Nowell, the active members of the commission, were sued for damages in £100 by persons who claimed that they owned the advowson and that Becon and his colleagues had infringed their rights by instituting Warner. The defendants replied that when they did so they were royal commissioners for visiting the diocese

⁵³ *Zurich Letters*, 1st series, pp. 44, 25.

⁵⁶ *Frere, Visitation Articles*, iii. 49.

⁵⁴ Appendix iii. 16.

⁵⁶ Appendix iii. 17, 18.

of Winchester, and that they had acted by virtue of their jurisdiction as ordinary for the time being.⁵⁷ They admitted the facts as stated by the plaintiffs, and the court of common pleas accordingly issued a mandate to the archbishop of Canterbury, as ordinary in the vacancy of the see, to institute the plaintiffs' nominee.⁵⁸

Among the records of the corporation of Southampton is preserved one of the very few official records that have survived of the southern ecclesiastical visitation. It consists of two sheets of parchment, on the first of which is written an order of the commissioners, and on the other a form of recantation prescribed by the order. The two sheets are connected by a strip of parchment, to the end of which is attached a fragment, rather less than half, of a pointed oval seal of red wax. Only a little of the outer rim has been preserved, with the letters 'CA' near the foot. In the body of the seal the lower part of the royal arms, with portions of the supporters, a lion and a dragon, still remain, and below, in what is technically called the exergue, is 'Elizabetha. 1559'

Although the seal is imperfect the part missing from it is found in a similar one, attached to a document issued by the London visitors, which I shall refer to later. This latter seal is nearly perfect, save for the rim, which has perished. The upper part displays a shield, encircled by a garter, of the royal arms—fleur-de-lis and lions quarterly—with a lion and a dragon as supporters and a crown surmounted by a cross above. In the exergue below is 'Elizabetha. 1559'. The seal thus shown to have

been used by the south-eastern and London visitors, and no doubt by their colleagues on other circuits also, was copied from one which had been introduced in the time of Edward VI and suppressed by Mary. A statute of Edward's reign (1 Edward VI, cap. 2) required ecclesiastical courts to adopt a novel design, which bore on its face the royal arms and the name of the court. An engraving of one such seal, that used by the court of the peculiar of Sonning, is to be found in a volume of *Archaeologia*.⁵⁹ Others are in the British Museum.⁶⁰ All resemble very closely those used by the south-eastern and London visitors. The rims of several are inscribed AD CAUSAS ECCLESIASTICAS SIGILLUM REGIE MAIESTATIS. Of the corresponding circumscriptions on the seals of the visitors four letters remain A . CA S . From their position it is probable

⁵⁷ Their letters patent conferred on them powers to institute and induct: Gee, *op. cit.*, p. 91, § 8.

⁵⁸ Appendix iv. 3.

⁵⁹ iii. 414, 425.

⁶⁰ *Catalogue of Seals*, vol. i, nos. 1265, 1989, 2068, 2072, 2158, 2291, 2433.

that the complete inscription was the same as that round the rim of the Edwardian seals.

To return to the Southampton document. It is an order, dated 21 September 1559, by Becon, Weston, and Nowell, the three active members of the commission, addressed to the mayor and seven of the principal residents of Southampton.⁶¹ It began by setting out that they had been authorized by their commission to delegate their powers to suitable persons for the purpose of carrying out any orders that they had issued or of dealing with business which they had not had time to finish: This reference to their commission is another proof that the letters patent issued to the southern were in the same terms as those issued to the northern visitors. The passage which recites their power to delegate is a free translation of the corresponding Latin passage in the northern letters patent.⁶² The order next went on to authorize the sub-commissioners to summon parties, investigate causes, and report them for the orders of the court of high commission in London. Finally it required them to impose a recantation on all persons who preached, or since Elizabeth's accession had preached, any doctrine inconsistent with that prescribed by public authority. Persons refusing to submit were to be reported to the court in London. Then followed the form of recantation, a most uncompromising document, which left no loophole of escape for any unfortunate victims who might be confronted with it. The authority of the pope, the efficacy of good works as a means of justification, purgatory, the withholding of the cup from the laity, transubstantiation, the reservation of the eucharist, prayers in an unknown tongue, pilgrimages, auricular confession, and the various minor observances which are included in the term sacramentals, all were condemned. Signatories of the recantation were required to confess that whatever they had taught in support of such doctrines and practices was false, ungodly, and contrary to scripture, and they were made to promise that they would abstain from such erroneous teaching in future.

That such an order and such a form of recantation should have been issued in the town of Southampton is a striking proof of the thoroughness of the visitors' proceedings and of their confidence in their mission. Becon and his companions had no idea of building easy bridges for a rival faith. In their eyes

⁶¹ Appendix viii. The eight citizens were : (1) Wilmot, sheriff 1555, M.P. and mayor 1559 ; (2) Gregory, sheriff 1556, mayor 1558 ; (3) Beckingham, sheriff 1545, mayor 1547, M.P. 1559 ; (4) Butler, sheriff 1549, mayor 1551, 1563, 1564, M.P. 1554 ; (5) J. Cappelyn, sheriff 1550, mayor 1552, 1553, M.P. 1563 ; (6) Nic. Cappelyn, sheriff 1557, mayor 1560, M.P. 1572 ; (7) J. Stavely, sheriff 1552, mayor 1554, M.P. 1558 ; (8) W. Stavely, sheriff 1558, mayor 1561 : J. S. Davies, *Southampton*, pp. 176, 203.

⁶² *Gee, op. cit.*, p. 92, ll. 20-29.

what had been taught and practised under Mary was anathema, to be rooted out with an unsparing hand. Their action is the more surprising because Hampshire, if anywhere, was a part of the country in which they might have been expected to proceed with caution. Unlike Kent and the counties round London it was by no means favourable to reform. Sir John White, one of the knights of the shire in the late parliament, was a noted Romanist, Winchester was a fortress of the old faith, with a strongly catholic mayor and corporation,⁶³ the college of Winchester was a nursery of catholic theologians,⁶⁴ and in June 1559 the Spanish ambassador wrote that in its neighbourhood resistance was being offered to the prayer book,⁶⁵ a report which is confirmed by a letter of the marquis of Winchester to Cecil.⁶⁶ The sympathies of Southampton as a seaport town probably lay in an opposite direction, but here also there must have been a strong body of catholics. In January Sir Thomas, priest of St. Michael, and others had been reported to the privy council for 'lewd words', no doubt in condemnation of the new opinions.⁶⁷ Yet among these unpromising surroundings Becon and his colleagues issued an order of a most intolerant kind and entrusted its execution to the leading citizens, in evident confidence that, as part of the 'Queen's Majesty's proceedings', it would be accepted with ready obedience. A more remarkable instance could hardly be furnished of the ease with which Elizabeth's settlement of religion was introduced.

From Southampton the visitors returned to London and probably occupied themselves in October with districts in its vicinity. On 2 October the churchwardens of Wandsworth appeared before them at Lambeth, and again, at a later session, at St. Mary Overie, Southwark.⁶⁸

One more trace of their proceedings is found in a Star Chamber record of 1560. In that case a man named Bunton, who held a lease from Eton College of the parsonage of Newington (St. Mary), a Kentish village, complained that on 18 August 1560 the villagers had riotously reaped and carried off the corn from one of the fields included in his lease. The defendants

⁶³ *Camden Miscellany*, vol. ix; *Original Letters*, &c., p. 56.

⁶⁴ The principal catholic writers of the first ten years of Elizabeth's reign (Sanders, Stapleton, Harding, Dorman, Rastell, Poyntz) were all educated at Winchester.

⁶⁵ *Spanish Cal.*, 1558-67, p. 79.

⁶⁶ 'This friday mornynge I sent you my son St Johns letter sent me from hampshere [Hampshire] with other writinges made by the deane & Canons of the Cathedrall church and from the warden and fellows of the new Colege & from the m^r of Seint-crosses whereby it apperith they leve ther service & enter to no new by cause it is ageinst ther conscienc as it apperith by ther writinges wheryn order must be taken which better . . . thys friday the last of June 1559': *State Papers, Dom.*, Eliz., vol. iv, no. 72.

⁶⁷ *Privy Council Register*, vii. 47.

⁶⁸ *Appendix iii.* 19.

replied that the field had formerly been appropriated to finding a light for the church of Newington. Lands of this class had been granted to the king by the statute 1 Edward VI, cap. 14, and were vested in the Crown at the beginning of Elizabeth's reign. The defendants declared that the queen, out of charitable zeal, had made a gift of the profits of all such land to the poor of the parishes in which they were situated, and that this benevolent intention had been set out in her injunctions and openly published by the royal commissioners in the course of their visitation. Availing themselves of the gift thus made the churchwardens and villagers of Newington had reaped the field which was the subject of the suit.⁶⁹ The authority on which they relied was the injunction which required all parishes to be provided with chests for the receipt of alms and directed that 'the rents of lands . . . given or bequeathed . . . to the finding of torches, lights, tapers, and lamps' should be put into the chests.⁷⁰ The 'open publication' to which they referred was no doubt effected by reading out the injunctions and delivering copies to clergy and churchwardens at the various centres. Whether the inhabitants of Newington succeeded in making good their claim against Eton College, cannot be stated, as the judgements and orders of the Star Chamber are not extant.

IV. MIDLAND CIRCUIT

Oxford, Peterborough, Lincoln, Lichfield

The list of subscriptions which are preserved at Lambeth give part of the itinerary of this circuit.⁷¹ It was as follows :

Louth	6 September
Lincoln	10-12 "
Leicester	15 "
Derby	19, 20 "
Lichfield	22, 23 "
Shrewsbury	27 "
Coventry	30 "
"	2 October
Woodstock	6 "
Thame	9, 10 "
Beaconsfield	_____
London	_____

The month of August was probably spent in the journey to Lincolnshire, and in visiting centres from which subscriptions are not extant. Beyond these returns few traces have sur-

⁶⁹ Appendix ix. 1.

⁷⁰ Gee, *op. cit.*, pp. 55, 56, Injunction no. 25.

⁷¹ Lambeth Library, Cartae antiquae, 13, ii, no. 58. Cf. Dixon, *History*, v. 167, and Gee, p. 102.

vived of the labours of the visitors. On 28 August they gave statutes, twenty-two in number, to the dean and canons of Peterborough.⁷² Churchwardens' accounts record their passage at several places. At Leicester, Melton Mowbray made a presentment, and the churchwardens of St. Martin's, Leicester, spent 3s. 4d.⁷³ At Lichfield, Worfield (Shropshire) spent 5s.;⁷⁴ at Shrewsbury, Cheswardine (Shropshire) spent 13s. 6d.;⁷⁵ at Thame (Oxfordshire) the Churchwardens provided a gallon of wine for the refreshment of the commissioners and had the church swept out against their coming.⁷⁶ Between Woodstock and Thame they held a session at Aylesbury, where Cheyney, afterwards bishop of Gloucester, appeared and, as he complained to Cecil in April 1561, 'lost sixteen pounds by year' before them, besides 'a year's rent to boot without recompense'. Cheyney does not state, and I am unable to conjecture, the nature of the order which amerced him so unpleasantly.⁷⁷

Nicholas Morton, one of the witnesses in the process against Queen Elizabeth at Rome in 1570, deposed that he was present at a session at Lincoln, when the oath of supremacy was tendered to the clergy. He stated that those who refused were placed in confinement, or given time for consideration, and if they remained obstinate were deprived. Morton himself fled to the continent and consequently lost his livings.⁷⁸ A further trace of the activity of the visitors at Lincoln is found in an order of the cathedral chapter dated 8 November 1559, whereby the senior vicars choral, who were in priest's orders, were enjoined to perform daily service before 6 a.m. and to have the bell rung daily before 5 a.m.⁷⁹ The statutes prescribed for cathedral bodies elsewhere had required them to execute a daily service early in the morning before mattins.⁸⁰ From the order referred to above it may be inferred that the statutes enacted by the visitors for Lincoln, of which no other record has survived, contained a similar provision.

At an early point in their progress, Bentham, afterwards bishop of Lichfield, Fleetwood, and Nevinson, the working members of the commission, dealt with the cases of two clergymen who had lost their livings under Mary and now claimed to be

⁷² British Museum, Lansdowne MS. 982, f. 47, and 1022, f. 314^r.

⁷³ Appendix iii. 20, 21.

⁷⁴ *Ibid.* 22.

⁷⁵ *Ibid.* 23.

⁷⁶ *Ibid.* 24.

⁷⁷ Strype, *Annals*, i. ii. 503. In the same letter Cheyney complained that the 'queen's takers' had seized a quantity of wheat from his living of Halford in Warwickshire. The writer of his life in the *Dict. of Nat. Biogr.* assumes that these 'takers' were the ecclesiastical visitors. More probably they were royal purveyors, whose exactions were a common source of complaint in the sixteenth century.

⁷⁸ Laderchi, *Annales*, iii. 202.

⁷⁹ *Assoc. Arch. Soc.*, vol. xviii, part ii, p. 111.

⁸⁰ *Supra*, p. 642.

restored. The first was Richard Davye, who had been ejected from Burnham, Buckinghamshire (Lincoln diocese), for marriage. Griffin Williams, who had taken his place, was summoned on 7 August to appear and show cause why Davye should not be restored. He failed to do so, and the visitors, finding that Davye had been deprived in contravention of law and right, ordered him to be reinstated in the living.⁸¹ The second case concerned the rectory of Southam, Warwickshire (Lichfield diocese). On 9 August John Boole claimed this living. Thompson, the actual incumbent, appeared, admitted that Boole was the rightful possessor and that the marriage of priests was lawful, and declared that he had no cause to show why Boole should not be restored. Upon this the visitors ejected Thompson and reinstated Boole.⁸² Certificates reciting these facts were issued at London on 8 and 15 November 1559 by Bentham, Fleetwood, and Nevinson.⁸³

A return made in the year 1566 by a number of Lincolnshire parishes as to the way in which the ornaments of their churches had been disposed of contains several references to the proceedings of the commissioners. Grantham reported that in 1559 their rood-loft was taken down and sold for the use of the poor, and that an account was given to Bentham, Fleetwood, and Nevinson. Market Rasen certified that in 1559 their mass-book and other Roman service-books were taken away by the queen's 'pursevant', no doubt a messenger of the visitors. The same man carried off a silver-bound pix of tin, promising to break it up and return the silver, but the churchwardens complained that he had not done so. Tallington reported that their images, ornaments, and service-books were burnt 'at the queen's majesty's visitacion', and Welby that their service-books were burnt by commandment of the commissioners. From Lincoln cathedral a return was made that the visitors had broken a super-altar of marble and burnt five psalters and four processional, and that their servants had taken away two cross cloths wrought with images of gold.⁸⁴ It is evident that Bentham and his companions showed the same iconoclastic zeal as was displayed in London, where large quantities of books, vestments, images, and church furniture were burnt in August.⁸⁵ In a sermon preached a few years later, in 1581, one Peter White, minister of Eaton Socon, Bedfordshire, referred with commendation to their proceedings.

Everywhere, [he said] in the first year of her grace's reign, they gave commandment to overthrow them [rood-lofts] in every place, as may

⁸¹ Appendix iv. 4.

⁸³ *Ibid.* 4, 5.

⁸⁵ Dixon, *History*, v. 162, 163.

⁸² *Ibid.* 5.

⁸⁴ Appendix x.

appear unto you, by St. Neots, your next neighbour, when Dr. Burton,⁸⁶ and Dr. Neveson, and Sergeant Fleetwood, caused the rood-loft there to be cut down by the seats of the choir, leaving no memorial thereof, that their doing might be an example unto the residue of the country to do the like.⁸⁷

V. WESTERN CIRCUIT

Worcester, Hereford, and the Welsh Dioceses

The traces which have survived of the western circuit are so scanty that it is not possible to frame a programme of the tour. At Hereford the four working members, Davies, Young, Meyrick, and Pates, drew up statutes for the cathedral, based, like those of the south-western circuit, on the statutes issued to cathedrals in 1547.⁸⁸ Further information of their proceedings was given by Daniel, dean of Hereford, and lately sub-dean of the chapel royal, when examined at Rome in 1570 in the course of the papal process for the excommunication of Queen Elizabeth. He stated that four commissioners came to Hereford, no doubt Davies, Young, Meyrick, and Pates. He was present at the reading of their commission, which empowered them to deprive and imprison ecclesiastics refusing to subscribe to certain heretical and schismatical articles. These articles were two in number: the first declared the queen to possess supreme jurisdiction in spiritual and temporal affairs, to the exclusion of all other authorities; the second acknowledged that the law passed by parliament for the celebration of divine service and administration of the sacraments was good and pious. Daniel and all the priests and members of the chapter were required to subscribe to these two articles and to take the oath. Daniel refused and was committed to the custody of the marquis of Winchester.⁸⁹ The reference to two articles shows that at Hereford, as elsewhere, the clergy were not merely required to take the oath of supremacy but also to declare their assent to the changes in doctrine and ritual which had been made by the act of uniformity.⁹⁰

A Star Chamber case of 1560 adds a further item to our knowledge of the proceedings at Hereford. John and Richard Haynes, of Withington, a village near Hereford, put in a bill charging one Burghill with assault and riot. Burghill replied

⁸⁶ 'Burton' is a mistake, or misprint, for 'Bentham'.

⁸⁷ J. W. O. Haweis, *Sketches of the Reformation*, p. 120.

⁸⁸ Frere, *Visitation Articles*, iii. 47. On 17 February 1565 Scory, bishop of Hereford, wrote to Parker, 'Ther was also diverse good orders and injunctions appointed in the Q. Ma^{tes} visitacion:' British Museum, Harleian MS. 6990, no. 30, p. 64.

⁸⁹ Laderchi, *Annales*, iii. 203, 204; Dixon, *History*, v. 168; Gee, *Elizabethan Clergy*, p. 182. The commitment to the custody of the marquis of Winchester was probably made at a later date.

⁹⁰ Cf. Gee, pp. 45, 78.

that the charges were false, and that the Haynes were merely the tools of Leveson, treasurer and prebendary of Hereford cathedral, a rich man of evil life, who was persecuting him in order to make him part with land which Leveson coveted. In support of this accusation he declared that at the recent visitation at Hereford in October 1559 Leveson had been presented by the parish of Withington for immoral living.⁹¹

At Worcester, Davis, Young, and Meyrick gave statutes, of which only three are extant, to the dean and chapter of the cathedral.⁹² The churchwardens of St. Michael in Bedwardine, Worcester, put in an inventory of church goods here.⁹³

At a session at Stratford-on-Avon on the last of October, Blakiston, or Blaxton, archdeacon of Brecknock, and T. Haward, incumbent of the prebend of Llangamarsh, in the collegiate church of Christ at Brecknock, were deprived of their livings.⁹⁴ At a later session in the same place, on 3 November, Lloyd, dean of St. Asaph, was deprived by the same commissioners 'for contumacy', consisting, no doubt, in refusal to take the oath of supremacy.⁹⁵ Among the clergy summoned in this visitation was Nicholas Morton, rector of Trefeglwys, in the diocese of St. Davids. Failing to appear he was deprived and a new rector, T. Huett, instituted. Subsequently he appealed against the deprivation and was restored to the living, presumably by the court of high commission.⁹⁶

VI. EASTERN CIRCUIT

London, Norwich, Ely

Information as to the movements and principal proceedings of this circuit has already been given by Dr. Gee.⁹⁷ I merely add a few items.

In his *Domestical Difficulties*, Parsons the Jesuit, writing in 1599, makes an interesting reference to the London visitation. At that time, so he writes, there was much searching of heart among the clergy as to whether they should take the oath of supremacy or refuse it. On the one hand men argued that subscription had been general in Henry VIII's time, that as the clergy had signed then so they might sign now, and that it was better to dissemble for a time than to abandon their livings to

⁹¹ Appendix ix. 2. Leveson was appointed treasurer of Hereford in 1558 and was also prebendary of Church Withington: F. T. Havergal, *Fasti Herefordenses*, pp. 53, 63.

⁹² Frere, *Visitation Articles*, iii. 44.

⁹³ Appendix iii. 25.

⁹⁴ Appendix iv. 6.

⁹⁵ T. Hearne, *T. Caii Vindiciae*, ii. 668.

⁹⁶ Appendix iv. 7.

⁹⁷ *Op. cit.*, pp. 94 ff. See also Strype, *Annals*, i. i. 249.

heretics who would ruin all.⁹⁸ On the other side it was answered that these arguments were dictated by fear and self-interest, and that if men listened to them they would come in the end to deny Christ. Among those who had to make up their minds was Derbyshire, chancellor of London and archdeacon of Essex, who 'fond a great conflicte in himselfe' on the subject and discussed it with a clergyman named Kennall, afterwards archdeacon of Oxford. On the day that appearance had to be made before the commissioners in St. Paul's, Derbyshire met Kennall as the latter was coming out of the cathedral. Kennall asked what he proposed to do. The chancellor answered that he intended to follow his conscience and refuse the oath. What, said Kennall, you surely are not such a fool as to sacrifice all your fat livings? ⁹⁹ I must do what is safe for my soul, replied Derbyshire, whatever happens to my body. He was as good as his word, refused the oath, and was deprived of all his preferments.¹⁰⁰ The story which Parsons tells is confirmed by the official record of the proceedings. From these we learn that Derbyshire made several appearances before the visitors. Having on previous, unspecified, occasions refused to take the oath, he attended in St. Paul's Cathedral for the last time on 3 November, and prayed that a respite might be granted for the better information of his soul. The struggle with his conscience to which Parsons refers was evidently still proceeding. The visitors, who were coming to an end of their own labours, directed him to appear before the court of high commission on the 8th of the month. What happened on that occasion is not known, but the final result of his deliberations, as Parsons records, was that he refused the oath and was deprived of all his benefices.¹⁰¹

A few small items remain to be recorded. At Norwich the visitors prescribed statutes for the cathedral.¹⁰² These have not survived, but they were no doubt similar to those issued elsewhere. On 19 September they instituted William Seton to the living of Great Ryburgh, Norfolk, vacant by the death of the previous incumbent. The original instrument is still extant,

⁹⁸ The same argument was used by the other side. On 1 February 1560 Peter Martyr wrote to Sampson, a leader among the extreme protestants, that if they refused to accept the ministry they would yield place to wolves and antichrists: *Zurich Letters* (Parker Soc.), 2nd series, pp. 38, 23.

⁹⁹ In a report made to his Jesuit superiors in 1563 or 1564 Derbyshire, who had entered the society in 1563, described his preferments as follows: 'Priusquam in Societatem admissus fueram, hoc pacto se res nostrae habuerunt. Primo: praebenda mihi contigit opima: praeterea beneficium simplex; tertio in loco beneficium curatum; 4^o rursus aliud beneficium simplex; deinde cancellariatus; tandem praebenda secunda: postremo archidiaconatus; et, ut concludam, residentia satis superba in ecclesia apud anglos praecipua': *Mon. Hist. Soc. Iesu, Epist. P. Nadal*, ii. 585.

¹⁰⁰ *Cath. Rec. Soc.*, ii. 61.

¹⁰¹ *Strype, Annals*, i. i. 253.

¹⁰² *Eastern Counties Collectanea*, p. 21.

the only document of its kind, so far as I can discover, that has survived. It consists of an oblong piece of parchment to which the seal of the visitors is attached by a narrow strip of the same material.¹⁰³ It records that Horne, Huyck, and Salvyn, the queen's visitors, have instituted William Seton to the living of Great Ryburgh, after he had taken the oath of supremacy as required by the recent act of parliament.¹⁰⁴

References to the visitation occur in the churchwardens' accounts of various places, but they are not of sufficient interest to merit printing *in extenso*. I note them below.¹⁰⁵

The churchwardens of St. Margaret's, Westminster, entertained the visitors at a banquet which cost the, for that time, enormous sum of £3 13s. 10d. Five years earlier they had feasted Bishop Bonner at the more moderate cost of £1 8s. 8d. on the occasion of the reconciliation with Rome. The bill of fare for Bonner's banquet consisted of three capons, half a calf, four green geese, a dozen rabbits, a dozen pigeons, a sirloin of beef, and two gallons of wine.¹⁰⁶

VII. END OF THE VISITATION

The proceedings of the visitors were brought to an end by the issue of a writ which directed them to discontinue their operations and to deliver their acts and seals to the secretary, Sir William Cecil. They were, however, empowered to dispose of business which was still pending. The official copy of this writ, which ought to have been inscribed on the patent roll, is not extant, but a draft, undated, with corrections by Cecil, is among the state papers.¹⁰⁷ Dr. Gee conjectures that it was issued in the latter part of October, but for the following reasons I think that its date must have been later. On 15 November a certificate, sealed with their seal, was granted by Bentham, Fleetwood, and Nevinson, visitors for the midland circuit.¹⁰⁸ On that date, therefore, they had not yet delivered their seal and records to the secretary. The inference is that the writ had not yet issued. On 6 December a famous document saw the light, namely the letters patent

¹⁰³ As regards the seal see above, pp. 647 f.

¹⁰⁴ Appendix xi. I wish to express my thanks to the Right Hon. E. R. Wodehouse for permitting me to publish this document.

¹⁰⁵ (1) St. Mary at Hill (H. Littlehales, *Mediaeval Accounts*, p. 412); (2) St. Michael, Cornhill (W. H. Overall, *Accounts*, p. 148); (3) St. Martin-in-the-fields (J. V. Kitto, *Accounts*, p. 177); (4) St. Stephen, Walbrook (Guildhall MS. 593); (5) St. Benet, Gracechurch Street (*ibid.* 1568); (6) St. Andrew Hubbard (*ibid.* 1297, vol. ii); (7) Dunmow, Essex (*Essex Arch. Soc.*, ii. 237); (8) Pulham St. Margaret, Norwich (Brit. Mus. Add. MS. 23010, f. 16'); (9) Great Witchingham, Norfolk (*Norf. Arch.* xiii. 207); (10) Watton, Norfolk (*ibid.* iii. 406).

¹⁰⁶ J. Nicholls, *Illustrations*, pp. 14, 15.

¹⁰⁷ State Papers, Dom., Eliz., vol. vii, no. 79, printed by Dr. Gee, *op. cit.*, p. 141.

¹⁰⁸ Appendix iv. 4.

empowering Barlow and others to consecrate Parker as archbishop of Canterbury. The draft of this patent is among the state papers. On the back the following words have been scribbled in a contemporary hand 'for a letter of the Q Ma^{tie} to surcess the jurisdiction of the visitors with a clause to reserve the examination of their compertes'.¹⁰⁹ Evidently when these words were written the patent of suspension had not issued, and as they are endorsed on the draft of a document which itself is dated 6 December, it is probable that they were written about that time. Again, the institutions to livings made by the London visitors are entered at the end of Bishop Bonner's register and continue till 8 December.¹¹⁰ The London visitors, therefore, must have been exercising their powers and using their seal up to 8 December.¹¹¹ Finally, on 16 December the south-western visitors, purporting to act under the powers conferred by their commission, wrote to the canons of Exeter, commanding them to take certain order with regard to the cathedral services.¹¹² On 23 December the court of high commission, in writing to support the visitors' letter, remarked that 'being of late sent' it 'might peradventure be accepted of small force, because their commission in some part is determined'.¹¹³ On 23 December, therefore, it is clear that the proceedings of the visitors had been suspended, but unless Jewel and his colleagues exceeded their powers the writ had not issued on the 16th. The most probable date to assign to it is between 16 and 23 December.

The writ in question directed the visitors to forward their acts to the court of high commission, the intention being that that body should take further action, where necessary, in matters which the visitors had dealt with. Among these was the deprivation of ecclesiastics who refused to take the oath of supremacy. The visitors had been empowered to deprive such persons, and in some cases they did so, but their ordinary practice was to bind over the recalcitrant to appear before the high commission.¹¹⁴ The records of that court having perished, little is known of the manner in which it dealt with such cases. The plea rolls of first-fruits and tenths furnish information of one case which is of sufficient interest to be noted here. During the northern visitation, at the session held in Durham chapter house on 23 September,

¹⁰⁹ State Papers, Dom., Eliz., vol. vii, no. 56. The writ of privy seal which ordered the issue of the letters patent is dated 3 December 1559: Record Office, Warrants for the Great Seal, 2nd ser., file 1073.

¹¹⁰ They made two institutions on this date: (1) of J. Pulleyne to the archdeaconry of Colchester, vacant by the deprivation of J. Standish, and (2) of J. Mullens to the archdeaconry of London, vacant by the deprivation of J. Harpsfeld: Diocese of London Registry, Bonner's Register, ff. 482^r, 483.

¹¹¹ It was their practice to append their seal to institutions. Cf. appendix xi.

¹¹² Above, p. 643. ¹¹³ Wilkins, *Concilia*, iv. 201. ¹¹⁴ Gee, *op. cit.*, p. 142.

Nicholas Marley, one of the prebendaries, being required 'subscribere suscepte Religionis articulis', refused to do so, saying 'that he woll not aunswer directlye to tharticle of supreamy cy but said that the Bisshope of Rome had som jurisdiction in this Realme'. On a second tender he again refused, his benefices were sequestered, and he was bound over in a recognizance of £200 with two sureties of £100 each to appear before the court of high commission in London.¹¹⁵ On 22 April 1560 he appeared accordingly before Grindal, bishop of London, May, dean of St. Paul's, and Southcote and Huyck, civilians, members of the court of high commission. The oath was read over and tendered to him, he firmly refused to take it, and was therefore deprived of his vicarage of Pittington, Durham.¹¹⁶

C. G. BAYNE.

APPENDIX I

List of Commissioners

[Record Office, *State Papers, Dom.*, *Eliz.*, iv. 34. A large sheet, on which the names are entered in columns. In the following transcript the names of lord-lieutenants are printed in small capitals.]

Robert Wisedom	Thomas Beacon ¹	} Roffen Cant Cicestren Winton	{	WILLM MARQUES OF	
	D. Roberte Weston			WINCHESTER LORD	Sir henry Semer
	Nicholas ² Nowell			THREASERER OF	Sir Willm Kellaway
	Ralph Morice			YNGLOND	Sir Thomas Fynche
				HENRY ERLE OF AR-	Thomas Wootton
				UNDELL L STEWARD	John Carell
				Henry Erle of Hertf	Richard Kingismyll
				WM LORD COBHAM	Edward Isacke
				Sir Wm Cecil ³	Humfry hales
				Sir Richard Sackevile	Edward Boys
				Sir Thomas Cawerden	
				Sir Nicolas Bacon	
				Keper of the greate	
				Seale	
				THE DUKE OF NORF	
				ERLE MARSHAL OF	
				YNGLOND	
				JOHN ERLE OF OX-	SIR RAPHE SADLER
				FORD GRETE CHAM-	Sir Anthony Coke
				BERLYN OF YNGLOND	Sir Thomas Wrothe
				FRANCYS ERLE OF	Sir Thomas Smythe
				BEDF	Sir Edmond Wyndam
				The Lord Went-	Sir Christophor Heydon
				worthe	Sir William Woodhowse
				EDWARD LORD	Richard Goodericke
				NORTHE	Owen Hopton
				John Lord John graye	
				Sir Thomas Parry	
				threserer of the	
				Quenes Mates howse-	
				hold	

¹¹⁵ *State Papers, Dom.*, *Eliz.*, vol. x, p. 67.¹¹⁶ Appendix iv. 8.¹ This name is written over 'T. Sampson', which is erased.² Nicholas is a mistake for Robert. This appears from other records.³ Interlined in a different ink.⁴ A name has been entered here and then erased, so as to be illegible.⁵ This name is substituted for 'Hervye' and 'Edward Gascoyne', both of which have been erased.

Alex. Nowell	Thomas Ben- tham	} Oxon Lincoln Petriburgen Coven et Lichf	{	WILLM MARQUES OF NORTHAMPTON	
	Wm. Fletwood			HENRY ERLE OF RUT- LAND	Sir Richard Blonte
	D. Stephin Nevins- on			FRANCIS ERLE OF HUNTINGDON	Sir EDWARD DYMMOCKE
	Willm Masters ⁶			FRANCIS ERLE OF BEDF	Sir ROBERT TIRWITTE
				George Lord Zouche	Sir FRANCIS ASCUE
				WILLM LORD WIL- LOWGHEY	Sir Walter Myldemay
				OLYVER L SEYNT	Sir Thomas Nevill of the holte
				JOHN DE BLETSOO	Sir Thomas Cockyn
				Henry L Hastings	Sir Robert Lane
				SIR FRANCIS KNOLLES	Sir John Gascoyne
Willm Alley	John Jewell	} Sarum Bristol Exonien Bathon et Wellen Glocestr	{	VICE CHAMBERLEYN	James Harrington
	H. Parrye			Sir Wm Cecil princ- pal secretary ⁷	Thomas Lucy
	Mr. — Jeffrey			SIR AMBROS CAVE	Thomas Marrowe ⁸
	— Bell ⁹			CANC. DUC LANCASTR	
	Ant. Delabor				
	Thomas Wyllett				
Richard Davies ¹¹	Rycharde Pates	} Wigorn Herf Assaven Bangor Meneven Landaven	{	WILLIAM ERLE OF PEMBROKE	SIR HENRY NEVELL ¹⁰
	Thomas Yonge			Thomas Vicounte	Sir John Chichester
	D. Rowland Mer- rick			Howard of Bynden	Sir Willm Wroughton
	Georg Constan- tyne			John Lord Seynt John	Sir John Thyne
				JAMES LORD MONT- JOYE	Sir Georg Norton
				George Lord Zouche	Sir Thomas Dyer
				EDMONDE LORD CHANDOS	Sir John Pollard
				Sir John Seyntleger	Sir Arthure Champer- non
				Sir Peter Carewe	Raignold Mone
				Sir Richard Eggecombe	John Mallette
Thomas Lever				Sir Morice Berkeley	Umfry Coles
				SIR WM FITZWMS	
D. Edwyn Sandis	D. Henry Harvy ¹²	} Cestren Carloli- en Dunelmen Ebor	{	JOHN LORDE WIL- LIAMS	Sir Thomas Russell
	Richard Kingis- myll			Sir Hughe Pawlete	William Sheldon
	Thomas Percy			John Throckmerton	Thomas Hobbeye
	& John Hogges			Sir Nicolas Arnold	William Gerard
				Sir John Parrete	
				Sir James Baskervill	
D. Edwyn Sandis	D. Henry Harvy ¹²	} Cestren Carloli- en Dunelmen Ebor	{	FRANCYS ERLE OF SALLOP	Sir Henry Percy
	Richard Kingis- myll			EDWARD ERLE OF DARBYE	Sir James croftes
	Thomas Percy			THOMAS ERLE OF NORTHUMBERLAND	Sir Henry gates
	& John Hogges			William L Evers	Richard Bowes
				Sir Thomas Gargrave	

⁶ 'Masters' has been entered instead of 'T. Willette', erased.

⁷ Sir W. Cecil's name is interlined in different ink.

⁸ Two names have been entered, and then erased, in this column, Sir Wm. Fitzwilliams and Sir J. Markham. The name of the former appears in the next list.

⁹ Bell has been entered instead of 'Ric. Anslee', erased. Neither Jeffrey nor Bell, who were probably lawyers, is mentioned in official proceedings of this body. W. Lovelace, a lawyer, was substituted for them.

¹⁰ This name is entered in Cecil's handwriting.

¹¹ Davies has been substituted for 'John Mullens', erased.

¹² This name has been entered instead of 'Mowse', erased.

APPENDIX II

Instructions to the London Visitors

[Inner Temple Library, Petyt MSS., no 538, xlvii. 592. Contemporary copy.]

Instruxions geven by the Quenes Majestie to her trustie and wel-beloved Robert Horne professor of divinitie Thomas Huyck doctor of the lawe Cyvile and John Salvyne professor of the comon lawe named with diverse others to be visitours of the diocessies of London, Norwich and Elye

Inprimis where there be named in her Majesties commission for the said visitacon sundrie noble men whiche be her Majesties Lieutenautes of diverse shieres within the said diocessies : it is not ment by her Majestie that any of the said noble men shall be otherwise molested with the execucon of any parte of the said commission, but as occasion shall arise when the foresaid speciall visitours shall come in to any of the said shieres for execution of the forsaid comission that they shall have nede to require the ayde of the said noble men being her Majesties Lieutenautes. And in those cases the said speciall visitours shall geve convenient notice to the said Lieutenautes. Who shall for the furtheraunce of her Majesties service tending to the execucon of the said comission ayde and assist the said visitours either with their personal assistaunce in comission or otherwise as to them shall be thought most convenient.

Item where there be also diverse men of good worship

[*The rest is wanting.*]

APPENDIX III

*Extracts from Churchwardens' Accounts*1. Mere, Wiltshire.¹³

1559. itm' payed for the Charges and Expences of the Churche wardeyns . and of others of the parisheners . beyng before the Quene's ma ^{ties} vysytors at Sar. and for their billes there	s	d
itm' for takyng downe of the Aultares . by comaundement of the Quenes vysytors aforesayd	viii	viii
itm' for the expence of the Sayd Churchewardeyns . and of other of the parochianers there . Rydyng twyes to Sar. to the vysitacon . and for receyving of their billes there	ii	x
itm' payed to the Clerke . for his labo' for the makynge of billes of the nombre of the people . by the quenes commysyson	xii	
Itm' for the Charges and expences of the Sayd Churche wardeyns . and of others of the parisheners . there . beyng at another tyme before the Quenes ma ^{ties} commysysonrs at Sar for Causes Concernynng [sic] the order of the Churche and for makynge of their billes there . the same tyme	v	iii

2. St. Thomas, Salisbury.¹⁴

1559. at the Visytacion to the Registers	ii
Dokett for making of the Inventory of the church	ii

¹³ *Wiltshire Arch. Mag.*, xxxv. 30, 31.

¹⁴ H. J. F. Swayne, *Churchwardens' Accounts*, p. 280.

3. St. Mary, Reading.¹⁵

1559. Item paid for making of o ^r bill whan the visitors came first to the towne	s	d
	ii	
Item paid for Injuncions		vi

4. Stanford-in-the-Vale, Berkshire.¹⁶

1559. It. for makynge a byll & delyvering of h ^t at the Queenes visitacion at Abyndon	ii	i
It. the expences of the churche wardens with iii other syde men at the Queynes visytacion		...
It. for a boke of comon prayer a salt ^r & Injuncions	vi	

5. Minchinhampton, Gloucestershire.¹⁷

1558-59. for a booke of injunctyons		iiii
for the expenses of the sayd gardaynes [guardians] and vi. other of the parochyoners at Gloucester at the Queenes generall vysytacyon	iiii	i
for examynyng of our aunswer there and puttyng the same into the courte for the fee of the somner		xviii iiii
for the expenses of the sayd gardeynes at Gloucester with iii. other of the paryshe at the exhybytyng of the inventory of all the churche goodes to the mayre there and othere	ii	ii
for makynge of the inventories of the bookes of chrystenynge, bureynge, and weddyng	ii	
for enterynge of the same into the courte		xii

6. St. John the Baptist, Bristol.¹⁸

1558-59. Item to one of the visitors' servants for wayting [<i>sic, for</i> wryting] our answers to the article	i	viii
Item at the deliverance of it	i	
Item pade to the sumnor at the visitation		iv
Item pade to Water Glison for writing of his inventories of the Articles	ii	vi

St. Mary Redcliffe, Bristol.¹⁹

1559. Item paid for the taking down of the high Altar against the Visitation		x
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St. Mary-le-Port, Bristol.²⁰

1559. Item paid to the somner for the admonition gyven to appeere before the comysioners	iiii	
--	------	--

7. Yatton, Somerset.²¹

1559. expenses at Reely [St. Mary Redcliffe, Bristol] at the vysytation	iii	viii
for makynge of our byll there		xx
for makynge the inventory of the church goods and for other charges at the delyvery of the same at Brystow	v	
at Brystow at the vysytation		viii
for a bocke of the injuccions		iiii

¹⁵ F. N. A. Garry, *Churchwardens' Accounts*, p. 37.¹⁶ *The Antiquary*, xvii. 120, 168.¹⁷ *Archaeologia*, xxxv. 425.¹⁸ *Ibid.* p. 210.¹⁹ J. F. Nicholls, *Bristol*, ii. 152.²⁰ *Ibid.* p. 226.²¹ *Somerset Rec. Soc.*, iv. 171.

8. Morebath, Devonshire.²²

1559. It for makyn of a byll afore y ^e quynes commissioners	s	d
It for leyng yn of y ^e same		xx
		xii
It for expenssis y ^e furste tyme afore y ^e quynes commissoners iiij men & y ^e vicar	v	
It for expenssis at Exceter y ^e secund tyme to Willm at Come & Leuys to bryng yn y ^e invitory of the church gooddis before y ^e quynes commissoners w ^t all y ^e namys of all y ^e howsselyng pepyll in y ^e parysse & all the namys of all them yt ware buryd here syns medsummer was twelmoth cristenyd & weddyd	v	vi

9. South Tawton, Devonshire.²³

1559. pd of free will of the parysshe for the vicar at the Visitation	x	
Ryding at Exeter	xii	

10. St. Peter, Barnstaple, Devonshire.²⁴

1559. Item, for the iiij mens dyner and the wardens, at the Quenes Majesties Visitacion	iii	iv
Item for makyng of the bill of presentment and exhibityng the same	ii	ii
Item, for a skyn of parchement to make the inventarie of the churche goods		vi
Item, to David Bedman for makyng of Communion bred, clensyng the churchyard, and attendance upon the Quene's Visitacion iiij dais	ii	ii
Item, Davyd Bedman for showing of the ornaments of the church		ii

11. Dartington, Devonshire.²⁵

Itm. pd for the charge of the iiij men & others the vii of October apperyng before the queyne's magestys vissetors at Totness . . .	viii	
Itm pd to the clerk for makyng of a byll conscernyng our pryshe cherche	xx	
Itm pd the lying in the same byll to the vesseter	viii	
Itm pd for the charge of the men at the makyng of the invetorry of the cherche goods	xvi	
Itm pd for a boweke of injunctions	vi	

12. Ashburton, Devonshire.²⁶

1559. to the vysytors at Tottnes for serving the Quene	xx	
for heing yn of the articles at Tottnes	viii	

13. Kilmington, Devonshire.²⁷

1559. spende at Visitacion ii tymys at honyton	xviii	
Payd for makyng of the Inviatorye of y ^e church goods	iii	
Payd at Visitation for wryttn & oure meate & drynke w ^h horsemeat	xv	v . . .
Payd for parshement & redd wex	xi	. . .
Payd for caryng of the Inviatory to Exetore		. . .

²² J. E. Binney, *Accounts*, p. 205.²³ *Devon. Assoc.*, xxxviii. 511, 520.²⁴ J. R. Chanter, *St. Peter, Barnstaple*, p. 79.²⁵ *British Mag.*, vi. 268.²⁶ J. H. Butcher, *Ashburton*, p. 38.²⁷ R. Cornish, *Churchwardens' Accounts*, p. 12.

14. Stratton, Cornwall.²⁸

1559. Itm expenses at the boshipes ²⁹ vicitation	s iii	d x
It payd for book of injuncion		v
It expensis at the boshipes ²⁹ vicitation for vi men at bodman	xvii	xob.
Itm payd unto M ^r Manzis for maken of the ferst inventorye		xii
Itm payd unto John Aveye for maken of the last inventory		xviii
Itm payd for parcmnt for the sam		iii
Itm payd to the veker of paghill for a cople for the sam		iii
Itm payd for leing in of the aforsayd inventory at bodman		vi
Itm payd for mendeng of the sam		liii
Itm payd to Wyllyam Wyll for caren [carrying] of the inventory at bodman		x
Itm expenses at the same tyme		xiiob

15. Bedminster's Charity, Stratton, Cornwall.³⁰

1559. it. ffor expences appone the offychall to speke to the queenys majestys vysetyrs ffor	v	ii
--	---	----

16. Poole, Dorset.³¹

Poole; beinge a peculiar, and of late belonginge to the pryorye of Brad'stoke.

A newe inventorye indented of all suche belles, bookes, goodes, jewelles, and ornaments, as belonge and apertayne to the church of Poole, wth the names and surnames of all suche as hathe benne crystened, maryed, and buryed, sythens the feast of St John the baptyste, in anno d'ni 1558, made and presented to the quene's ma^{ties} comysseyon's at Blandforde, the xxviii daye of November anno d'ni 1559.

Goodes. Item one lytell challyce wthout a cover, of sylver, weinge vi ownces, w^{ch} servethe for the comunyon table. One greate bell and a lytell bell weinge by estymac'on vii c. One peare of vestments of satten of Brydges, and one cope of the same. One crosse. One peare of sensers, and one shippe of brasse. ii lynnen clothes w^{ch} s'veth for the comunyon table.

Bookes.—Item, one massebook; one manuel; one grayle; and one precessyonall.

Our images be all defaced and brente.

Kristened lxi persons [whose names are given].

Buryed the number of one c & v p'sons.

Maryed xxix couples [named].

The administrac'on of the sacram'ts are decently p'paryd for accordyng to the boke of comon prayar and the quene's ma'ties injunc'ons.

The quene's ma'tie ys patron of the p'sonage of Poole. John Sewar ys mynistar and servythe the cure.

The nu'bre of people be one thousand.

17. Hawkhurst, Kent.³²

1559-60. pd. for expensys at the visitation att Asheforth the frydaye after barthilmewe day	s xvii	d liiii
pd the somener for his fee		liiii
pd for a booke of Artyckles		vi

²⁸ British Museum, Add. MS. 32243, pp. 62^r, 63. Cf. *Archaeologia*, xlv. 226.

²⁹ See above, p. 644 n. 48.

³⁰ R. W. Gouling, *Bedminster's Charity, Catalogue of MSS.*, p. 67.

³¹ J. Sydenham, *Poole*, p. 314.

³² *Arch. Cant.*, v. 72.

18. Smarden, Kent.³³

1558-9. Itm at the quenes visitacon at Asheforthe	s iii	d v
Itm for our presentmente & inventorye, writinge & layinge in		xiii

19. Wandsworth, Surrey.³⁴

1559-1560. Itm p'd for a boke off the In Joyneyons	...	
Itm p'd ffor our denner whyn we wente to Lambethe be ffor the Com- myssyonars the ffyrste tyme	ii	
Itm ffor makyng off a byll at Lambethe the ssam tyme		iiii
Itm p'd ffor our denner at the lasst vyeytacyon at saynt Mary Overys	iii	iiii
Itm p'd for wryttyng the artycles off the Inyoncyons agaynst the vysyta- cyon at Lambethe the Monday after mylhylmas daye		iiii

20. Melton Mowbray, Leicestershire.³⁵

1559. Pd. for owr charge & iiii mowe at leycet' at y ^e Visytasyon & for owr horses	iiii
Pd y ^e same tyme for y ^e Injunctyone	viii
Pd y ^e same tyme for owr byll makyng and puttyng in	viii

21. St. Martin's, Leicester.³⁶

1559-60. pd. at the visitation denor for iiii men	ii	
pd to the Visytars for ther dewties		xii
pd for an Injunction boke		iiii

22. Worfield, Shropshire.³⁷

1558-1560. Itm' expenses at the quenes visitacion at Lychfeld	v
---	---

23. Cheswardine, Shropshire.³⁸

1559. for expenses at the quenys vesettacyon	xii	ii
for the Injungyones		viii
for owre byll makyng		viii

24. Thame, Oxfordshire.³⁹

1559-60. Itm pd for a gallon of wyne for the Visitors	ii	
Itm pd to the under officers beyng parators [apparitors]		xii
Itm pd for swepyng of the churche agaynst the comyng of the Visitors		vi
Itm paid for the Injunctions		vi

25. St. Michael in Bedwardine, Worcester.⁴⁰

1559. Item for procuracions on the Quenes visitation	xviii
Item for making the inventory of the church goods	viii

³³ *Arch. Cant.*, ix. 233.³⁴ *Surrey Arch. Soc.*, xvii. 141.³⁵ *Leicest. Arch. Soc.*, iii. 190.³⁶ T. North, *Churchwardens' Accounts*, p. 86.³⁷ *Shropshire Arch. Soc.*, 3rd series, ix. 131.³⁸ E. C. Peele, *Shropshire Parish Docs.*, p. 60.³⁹ F. G. Lee, *Church of the Virgin*, p. 76.⁴⁰ J. Amphlett, *Churchwardens' Accounts*, p. 42.

APPENDIX IV

*Extracts from Plea Rolls of First Fruits and Tenths.*⁴¹1. *The case of Richard Ramsey.*

[Record Office, Court of Exchequer, First Fruits and Tenths, Plea Roll 5, no. 38.]

In a report made by the bishop of Gloucester to the exchequer on 20 June 1565 it was stated that one Richard Warret had been instituted rector of Shenington, Gloucestershire, on 20 January 1560, in consequence of the deprivation of one Richard Ramsey. The certificate continued: et quamdiu eadem Rectoria vacare contingebat ante admissionem eiusdem Richardi Warret nihil in registris & Archivis nostris remanet/eo quod deprivatio Richardi Ramesey supradicti habita et facta fuit in visitacone dicte domine nostre Regine in dicta diocesi nostra Glocestr' nuper celebrata (uti asseritur) coram commissionariis domine regie maiestatis.

2. *The case of Christopher Pitt.*

[Plea Roll 3, no. 17.]

In Michaelmas term, 3 Eliz., Richard Harte was called on to show cause why he should not pay first-fruits on the rectory of Uplyme in accordance with a bond given by him on 30 June 1554. He replied that he had not enjoyed the living undisturbed because Christopher Pitt ad eandem Rectoriam de Uplyme per visitatores dicte domine Regine nunc generales auctoritate Commissionis eisdem sub magno sigillo suo Anglie concessa denuo restitutus erat et prefatus Richardus Harte ab eadem Rectoria invitatus remotus erat. The barons of the exchequer made a reference to the bishop of Exeter, who certified that Richard Harte had been instituted to Uplyme on 15 September 1554, on the deprivation of Christopher Pitt a qua quidem ecclesia, postea per visitatores generales dicte serenissime domine nostre Regine, auctoritate Commissionis eiusdem sub magno Sigillo Anglie concessa in Capella beate Marie Virginis infra ecclesiam nostram cathedralem Exon vicesimo die mensis Septembris, anno millesimo quingentesimo quinquagesimo nono etiam invitatus, remotus erat dictusque Christopherus Pitt tunc ad eandem Rectoriam restitutus.

3. *The rectory of Wonston, Hampshire.*

[Plea Roll 2, no. 368.]

John Warner, who had entered into a bond on 24 October 1559 to pay first-fruits on the rectory of Wonston, prayed to be relieved of the obligation on the ground that he had never enjoyed the living. In proof of his assertion he filed a copy of a record of the court of common pleas which recited the following facts.

Thomas Heath and others sued Thomas Becon, S.T.P., Robert Weston, LL.D., Robert Nowell, Esq., and others to recover the advowson of the rectory of Wonston and damages of £100. Becon, Weston, and Nowell answered the plaint as follows: Et predicti Thomas Becon Robertus Robertus . . . per Willelmum Badger Attornatum suum venerunt et defenderunt vim et

⁴¹ In this appendix and in appendixes v, vii, and xi current contractions have been extended.

iniuriam quando &c. et iidem Thomas Robertus et Robertus dicunt quod ipsi tempore quo supponitur impedimentum predictum fuerunt commissionarii domine Regine nunc ad visitandum diocesem Winton infra quam predicta ecclesia de Wonston alias Wonsyngton est quodque ipsi ratione commissionis illius habuerunt iurisdiccione[m] ordinariam quodque ipsi nichil habent nec habere clamant in ecclesia predicta neque in advocacione eiusdem nisi admissionem institutionem et destitutionem personarum ecclesie illius et cetera que ad Ordinarium pertinent ut loci illius ordinarii. *The court of common pleas adjudged the advowson to the plaintiffs and issued a brief to the archbishop of Canterbury directing him to eject the nominee of the visitors and put in the nominee of the plaintiffs.*⁴²

4. The case of Richard Davye.

[Plea Roll 3, no. 15.]

In Michaelmas term, 3 Eliz., Griffin Williams was called on to pay first-fruits on the living of Burnham, Bucks., in accordance with a bond given by him on 23 June 1559. Williams replied that he had never entered on the benefice and in proof of his assertion intulit in hanc Curiam quoddam certicatorium venerabilium virorum Thome Bentham sacre theologie professoris, Willelmi Fletewood Iurisperiti et Stephani Nevynson legum doctoris ad visitandum tam in capite quam in membris ecclesias Cathedrales Civitates et Dioceses Oxon, Lincoln, Petriburgen, ac Coven et Lichfelden auctoritate regia appunctuatorum sub sigillo suo autentico sigillatum cuius certicatorii tenor sequitur in hec verba THOMAS BENTHAM Sacre Theologie professor Willelmus Fleetwood iurisperitus et Stephanus Nevenson legum doctor unacum aliis Collegis nostris viris nobilibus Illustrissime in Christo principis et domine nostre domine Elizabeth . . . Commissarii generales ad visitandum tam in capite quam in membris Ecclesias Cathedrales Civitates et Dioceses Oxon, Lincoln, Petriburgen ac Coven et Lichfelden clerumque et populum in eisdem degentem sive residentem ac ad infrascripta auctoritate suprema dicte domine Regine legitime fulciti NOTUM fieri volumus ac in omnium quorum intererit quietem et certitudinem testificamur et Certificamus ipsis universis et singulis quod in perpetuam rei memoriam apud acta nostra mense Augusti ultimo preterito inactitata iuxta tenorem sequentem cum quereremus inde veritatem invenimus Decretum est pro partibus erga septimum diem mensis Augusti facta precognizac[i]one dominus Griffinus Williams non comperuit [*sic*] unde domini Iudices ad petitionem Londe decreverunt eum contumacem etc Et in penam contumacie ipsius Williams decreverunt magistrum Richardum Davye restituendum etc. quem domini restituerunt etc. Nos igitur premissa considerantes omnibus ut prefatum est innotescere volumus predictum Dominum Griffinum Williams intrusorem in vicariam de Burnham Lincoln diocesis per nos iure tunc et ibidem non solum ab ea vicaria et omnibus eius fructibus et commodis quibuscumque exinde amotum fuisse sed et dominum Richardum Davy predictum prius contra ius et fas matrimonii et religionis causa deprivatum tunc iterum prout est superius specificatum per nostrum finale decretum sub sigillo regie maiestatis ad id genus causa-

⁴² Cf. *Parker's Register* (Canterbury and York Soc.), p. 205, and Record Office, Common Bench Plea Roll, Hilary. 2 Eliz

rum destinato verum eiusdem vicarie possessorem decrevimus eoque modo et ipso facto in integrum [*sic*] restituimus. IN CUIUS REI testimonium sigillum Regie maiestatis ad causas ecclesiasticas quo utimur in hac parte presentibus apponi fecimus Datum quinto decimo die mensis Novembris anno domini millesimo quingentesimo quinquagesimo nono Regnique eiusdem Illustrissime domine nostre Regine Anno primo.

5. *The case of John Boole.*

[Plea Roll 3, no. 23.]

In Michaelmas term, 3 Eliz., Nicholas Thomson was called on to pay first-fruits on the living of Southam, Warwickshire, in accordance with a bond given by him on 23 June 1559. Thomson replied that he had never entered on the benefice and put in a certificate by Bentham, Fleetwood, and Nevinson, which is identical with the certificate given above down to the word invenimus. It then proceeds: Dominus Iohannes Boole Rector de Southam Coven et Lichfelden Diocesis contra dominum Nicholaum Thompson clericum etc. COMPARUERUNT personaliter partes, quibus domini assignarunt ad Interresendum die Mercurii proximo inter horas septimam et secundam eiusdem diei et sic nono Augusti comparuit Londe procurator et preconizari fecit Thompson, qui preconizatus comparuit. Et tunc Londe exhibuit mandatum certificans in presentia Thompson ac petens ut responderet Deinde domini monuerunt eum respondere Qui respondens fatebatur dominum Boole esse legitimum possessorem et matrimonium sacerdotale legitimum ulterius confitens quod nullam habuit aut habet causam ad probandum quare dictus Boole restitui non debeat Ideo Londe petiit dominum suum pro legitimo possessore decerni et declarari per eorum finale decretum, et in possessionem mitti in integrum, &c., cuius petitionem domini commissarii admiserunt decreveruntque ipsum restituendum et restituerunt. Then follows: NOS IGITUR . . . anno primo, in practically identical terms with the certificate in the preceding case, except for the names and the date, which is 8 November 1559.

6. *The cases of Blakiston and Haward.*

[Plea Roll 5, nos. 30 and 31.]

Two certificates of the bishop of St. Davids dated 20 February 1561 stated that J. Blakiston had been deprived of the archdeaconry of Brecknock and T. Haward of the living of Llangamarshe in the college church of Christ, Brecknock, per commissarios . . . Reginae ad visitandum clerum et populum diocesis Meneven. &c. apud Stratforde super Abona ultimo die Octobris anno domini 1559.

7. *The case of Nicholas Morgan.*

[Plea Roll 3, no. 28.]

On 24 November 1559 Thomas Huett entered into a bond to pay first-fruits on the living of Trefeglwys, Montgomeryshire. In Hilary term, 3 Eliz., having learnt that Huett had never entered on the benefice, the barons of the exchequer called on the bishop of St. Davids to report. The bishop certified (17 January 1561) that Nicholas Morgan had been instituted rector of Treff Eglos (Trefeglwys) in 1557 rectorque eiusdem in presenti existit, qui

tamen coram commissionariis dicte domine Regine nunc Elizabeth ad visitandum clerum et populum diocesis Meneven. predicte nuper evocatus et non comparens, deprivatus existebat, Interposita per ipsum appellatione sua, ac causam absencie sue demonstrans, iusticia id poscente restituebatur et restitutus est, eadem Rectoria fruitur et gaudet in presenti cum eiusdem Rectorie iuribus et pertinentiis universis deprivacione sua predicta in aliquo non obstante Dominacionibus vestris ulterius intimantes et certificantes quod post deprivacionem dicti Nicholai prememorati, pendente dicta appellacione indiscussa, causa huiusmodi sue absentie non ostensa Quidam Thomas Huett clericus, qui pro primitiis dicte Rectorie (alias uti asseritur) composuerit, ad eandem taliter qualiter vicesimo die mensis Novembris anno millesimo quingentesimo quinquagesimo nono de facto admissus et institutus, eadem minime gaudebat aut gaudere potuit.

8. *The case of Nicholas Marley.*

[Plea Roll 5, no. 72.]

Certificate by the bishop of Durham dated 13 October 1566

Ex fide digno testimonio nobis relato per Registrarium Reverendi patris domini Edmundi London Diocesis Episcopi Willelmi Mey nuper decani Ecclesie Cathedralis Divi Pauli London Iohannis Southcott servientis ad legem et Thome Huicke legum doctore [*sic*] commissariis regis [*sic*] inter alios in causis Ecclesiasticis assignatis constat quod vicesimo secundo die mensis Aprilis Anno domini millesimo quingentesimo sexagesimo coram dictis Commissariis regis comparuit personaliter quidam Nicholaus Marley clericus ultimus Incumbens predictae vicarie de Pitlington ante presentacionem dicti Rogeri Watson prebendarius Ecclesie Cathedralis Dunelm cui oblato sacramento mencionato in quodam actu parliamento tenti apud Westmonasterium vicesimo quinto die mensis Ianuarii Anno regni dicte domine Regine Elizabeth primo edito perlectoque ei primitus verbatim prout in dicto actu describitur dicti sacramenti tenore positisque sibi sacrosanctis scripturis ac mandatus ut idem sacramentum susciperet iuxta vim formam et effectum eiusdem actus ac Commissionem dicte domine Regine prefate Dominis Commissariis et aliis directam Idem Nicholaus Marley dictum sacramentum suscipere et prestare peremptorie et obstinate recusavit eaque de causa vicaria predicta adtunc vacua existebat in quorum omnium et singulorum fidem et testimonium Sigillum nostrum presentibus apponi fecimus Datum sub Sigillo nostro Episcopali decimo tertio die mensis Octobris Anno domini Millesimo quingentesimo sexagesimo sexto.

APPENDIX V

Certificate of excommunication

[Record Office, Chancery, Significavit of Excommunication, file 207.]

ILLUSTRISIME in Christo principe et domine nostre ELISABETAE dei gratia Anglie Francie et hibernie Regine fidei defensori &c. WALTERUS IONES in legibus baccalaureus Subdelegatus sive Surrogatus venerabilium virorum Magistrorum Iohannis Iewell sacre theologie professoris Henrici parrye in Legibus licentiati et Willelmi Lovelace Iurisperiti vestre regie maiestatis Commissariorum generalium ad visitandum inter alia tam

in capite quam in membris civitatem et diocesem Gloucestresem vestra suprema autoritate regia ecclesiastica legitime fulcitorum/quicquid est subiectionis reverentie et honoris. VESTRE regie celsitudini tenore presentium significamus quod cum dilectus nobis in Christo Iohannes Williams legum Doctor nuper consistorii Episcopalis Gloucestrensis officialis principalis legitime deputatus in quadam causa diffamationis sive convitii coram eo in dicto consistorio mota contra Iohannam Cheltnam parochie de Horseleye dicte Gloucestrensis Diocesis propter suam multiplicem et excrescentem contumaciam iudicialiter contractam eandem Iohannam Cheltnam ad petitionem partis Marione Peyte dictarum parochie et Diocesis excommunicaverit in scriptis et sic prefata Iohanna Cheltnam maioris excommunicationis sententia congrue contra eam lata innodata existit et sic denunciata et declarata palam et publice/In qua quidem sententia per quadraginta dies et amplius perseveravit et adhuc perseverat animo pertinaciter indurato claves sancte matris ecclesie nequiter contemnendo. Vos igitur pro captione corporis dicte Iohanne Cheltnam iuxta Laudatissimam huius inclyti regni vestri Anglie consuetudinem hactenus usitatam animadvertere scribendo dignemini/Ut quam Dei et ecclesiastice censure timor a malo non revocat carceralis saltem custodia subducat/coherceat atque compellat/ac degenerem ad sancte matris ecclesie gremium redire faciat alma regia vestra maiestas quam diu feliciterque conservat [sic] qui eternaliter regnat. IN CUIUS REI testimonium Sigillum officii nostri quo in hac parte utimur presentibus apponi fecimus. Dat Glocestrie Septimo die mensis Decembris Anno domini Millesimo Quingentesimo Quinquagesimo Nono Et regni vestri florentissimi Anno Secundo.

APPENDIX VI

Letter from Jewel and Parry to the Sub-commissioners at Exeter

[Exeter Municipal Archives, vol. 60A, letter no. 47. Original.]

We hartely salute you And accordinge to o^r order taken concernynge the recantation of the Vicar of Bodmane we have herinclosed sent the same commyttinge the due execution by hym to be don by yo^r wisdomes and further prayinge you for certificatt of the same as ye may unto us. And last of all we desire you by yo^r lres to informe Sir John Chichester the Mayo^r of Bodmane wth other the commissioners of that towne how he hath behaved hym self in that behalfe Requiringe them to see the like don by hym bothe in the parishe Church of Bodmane and other places accordinge to their wisdomes & his behavior in the same contrye Thus trustinge to yo^r wisdomes in all the premisses we desire to be commended to o^r frends w^t hartie thanks for their gentelnes. Att Lyme the xvth of October 1559.

Yo^r lovinge frends

JO. JUEL

HENRY PARRY.

[Po]jtscript. We have also sent certen blank licenses by thes bearers to be by you sent to Sir John Chichester w^t all convenient speade.

Endorsed. To Mr Gibbes & the Maio^r of Exeto^r wth other the comissioners wth hym.

APPENDIX VII

The case of Burwardscot or Burscot

[Coke, Entries, 1614, p. 487^r. The original plea roll from which Coke took the case is not extant.]

Et idem Richardus Vaughan [the defendant] ulterius dicit, quod dicta domina Regina nunc, post octavum diem Maii, anno primo supradicto, existentem ultimum diem Parliamenti predicti, scilicet vi-
Le Commission cesimo quarto die Iunii anno regni sui primo supradicto, per del Roygne. Literas suas patentes magno sigillo suo Angliae sigillatas, gerentes datam apud Westmonasterium predictam eisdem die et anno, charissimum consanguineum & consiliarium suum Willielmum comitem Penbroke, ac predilectos suos Thomam Vicecomitem Haward de Byndon, Iohannem dominum Saint Iohn, Georgium dominum Zouch, Iacobum dominum Mountjoye, Eduardum dominum Chandos, necnon dilectos et fideles suos Iohannes [*sic*] Seyntleger, Petrum Carewe, Richardum Edgecombe, Mauricium Barkeley, Willielmum Fitzwilliams, Henricum Nevell, Iohannem Chichester, Willielmum Wroughton, Iohannem Thin, Georgium Norton, Thomam Dyar, Iohannem Pollard, et Arthurum Champernoune Milites, ac dilectos suos Reginaldum Mohun, Iohannem Mallet & Humfridum Coles armigero[s], necnon Iohannem Iewel sacre Theologie professorem, Henricum Parry in legibus licentiatum, & Willielmum Lovelace iurisperitum, quatuor aut tres eorum ad minimum, deputavit & substituit inter alia, ad visitandum tam in capite quam in membris Ecclesias Cathedrales Civitates et Dioceses Sarum, Bristolien, Exonien, Bathon & Wellen, ac Glocestren, necnon quascunque alias Collegiatis parochiales & prebendales Ecclesias, ac loca alia Ecclesiastica quecunque, tam exempta quam non exempta, in et per easdem Civitates & Dioceses ubilibet constituta, clerumque & populum eiusdem [*sic*] in eisdem degentem sive residentem, deque statu huiusmodi Ecclesiarum & locorum, necnon vita, moribus, & conversatione, ac etiam qualitatibus personarum in Ecclesiis et locis predictis degentium sive ministrantium, modis omnibus quibus id melius aut efficacius potuissent inquirendum & investigandum, causasque instanciarum quascunque examinandum, & finaliter terminandum, necnon Clericorum & beneficiatorum quorumcunque, tam pro ordinibus quam beneficiis per eos adeptis, literas et munimenta exigendum & recipiendum, eaque diligenter examinandum & discutiendum, & quos non sufficienter munitos in ea parte comparuissent [*sic*. *Read* comperissent] ab officio dimittendum, & pro sic [non] munitis declarandum & pronuntiandum incarceratos quoque & vinculis commissos ob religionis causam antea licet nulliter condempnatos causis incarcerationis et condempnationis huiusmodi prius examinatis et plenarie discussis examinandum discutiendum, ac in integrum iustitia id poscente, restituendum deliberandum & extra prisonam dimittendum, necnon causas deprivationum examinandum, ac contra statuta & ordinationes huius Regni Angliae, vel iuris Ecclesiastici ordinem deprivatos restituendum, Ac omnia & singula alia que circa huiusmodi visitationes seu reformationes negotia necessaria fuissent seu quomodolibet oportuna, etiamsi verba magis specialia de se exigent & requirent, faciendum et exequendum,

Ac eisdem Comiti, & aliis personis in Literis patentibus predictis, prout superius mentionatur, aut tribus eorum vices eiusdem domine Regine nunc per easdem Literas patentes commisit, Ac plenam in domino in premissis concessit facultatem cum cuiuslibet congrue et legitime coertionis potestate, prout per easdem Literas patentes plenius liquet, Et idem Richardus Vaughan ulterius dicit, quod predicti [*the names of the visitors are repeated here*] tempore editionis Actus predicti, ac predicto tempore confectionis Literarum patentum predictarum, fuerunt naturales subditi dicte domine Regine nunc, ante tunc nati infra hoc Regnum Anglie, quodque predicta Ecclesia de Burwardscot, alias Burscot, tempore editionis Actus predicti, et semper postea hucusque fuit & adhuc existit infra predictam Diocesem Sarum, quodque predictae Litere patentes post confectionem earundem, scilicet vicesimo quarto die Octobris anno primo supradicto, apud Civitatem Nove Sarum in Comitatu Wiltes deliberate fuit [*sic*] prefato Thome Vicecomiti Haward de Binden, Iacobo domino Mountjoye, Iohanni Thin, & Iohanni Iewel, Commissionariis inter alios in Literis patentibus illic mentionatis, in forma iuris exequende, Qui quidem vicecomes, Iacobus dominus Mountjoye, Iohannes Thin, et Iohannes Iewell, postea scilicet vicesimo quinto die Octobris anno primo supradicto, virtute Literarum patentum predictarum, predictam Diocesem Sarum visitaverunt; videlicet apud Civitatem Nove Sarum predictam,

Super quo in eadem Visitatione adtunc & ibidem venit
 Plaint al predictus Henricus Parry Clericus coram prefato Vice-
 Commissioners, comite, Iacobo domino Mountjoye, Iohanne Thin, & Iohanne Iewell, Commissionariis in forma predicta tunc existentibus & appunctuatis, & eis querebatur, de eo quod ipse iniuste et preter iuris Ecclesiastici ordinem, ac contra leges & statuta huius Regni Anglie deprivatus, ac per predictum Richardum Akers Militem,⁴³ et [*sic*] inique spoliatus fuisset de possessione Ecclesie de Burwardscot, alias Burscot predictae, super quo predicti Vicecomes, Iacobus dominus Mountjoye, Iohannes Thin, & Iohannes Iewell, Commissionarii in forma predicta existentes, adtunc & ibidem convocatis coram eis, tam predicto Henrico Parry, quam predicto Richardo Akers, & causa predictae deprivationis predicti Henrici Parry Clerici, & presentatione et institutione predicti Ricardi Akers, super deprivatione illa, in forma predicta habita per eos auditis & plene intellectis, per quandam sententiam definitivam, sive finale decretum per eos, pro eodem Henrico Parry Clerico, contra predictum Richardum Akers, adtunc & ibidem latum et promulgatum, decreverunt & declaraverunt predictum Henricum Parry a predicta ecclesia de Burwardscot alias Burscot, iniuste & preter

Sentence de les
 High Commis-
 sioners de
 revoke le de-
 privation.

iuris Ecclesiastici ordinem per Iudicem in ea parte omnino incompetentem, ac expresse contra leges & statuta huius Regni Anglie nulliter et inique spoliatum sive deprivatum fuisse & tunc esse, dictumque Richardum Akers possessionem dicte Ecclesie de facto cum de iure non potuit iniuste invasisse, cepisse, & occupasse, nullumque ius in eadem habuisse, aut tunc habere, sed ab eadem cum suis iuribus & pertinentiis universis removendum esse & reipsa removeri, necnon dictum

⁴³ 'Militem' is the blunder of a clerk, who mistook the 'Sir' which in the sixteenth century denoted a priest for the 'Sir' (*miles*) which denoted a knight.

Henricum Parry Clericum ad dictam Ecclesiam cum suis iuribus & pertinentiis universis reducendum, ipsumque Henricum adtunc & ibidem restituerunt ad eandem, per quod predicta presentatio & institutio Richardi Akers ad Ecclesiam predictam, in forma predicta habita vacue & nullius validitatis devenerunt, predictusque Henricus Parry clericus, postea in Rectoriam predictam intravit, & predictum Richardum Akers inde expulit & amovit, ac predictus Henricus fuit Rector Ecclesie predictae.

Pasche 41 Eliz. in Communi Banco, Rotulus 523.

APPENDIX VIII

Prescription of a Form of Recantation

[Southampton Corporation Records. Original.]

Thomas Beacon Bachiler of divinitie Roberte Weston doctor of Lawe And Robert Nowell Esquier Commissioners generall emong other of our Sovereigne Ladye Elizabeth by the grace of God of England france and Irelande Quene defendor of the faythe &c. To visite the Cathedrall churches cities and dioces of Rochester Canterbury Chichester and Wynchester and the clergie and people of the same by the highe and supreme authoritie aforesaid Lawfully and sufficiently authorized To our trustie and right welbeloved Edward Willmet mayor of the towne of Southampton John Gregory Thomas Bekingham Richarde Butiler John Cappeleyn John Staveley Nycholas Caplyn William Stavelen of the saide towne of Southampton gentilmen Grating [*sic*] fforasmoche as by the Quenes majesties Commission to us emonge other committed and directed under the great seale of Englande concerninge her highnes Visitacon Ecclesiasticall to be had within the said cities and dioceses emonge other thinges in the same commission comprisid full power and authoritie ys given and grauntid unto us to deligate assigne and nominate certen godlye wise prudent and discrete persons to be by us the said Commissioners nominated and appoynted to this ende that after our departure frome suche place and places where we shall execute the said commission to have full power and authorite aswell to supplie on our behalfe for lacke of time conveyente as to enquire for thaccomplishmente and fulfillingge of all and singuler tharticles orders and directions taken and orderid by us in the said visitacon And thoffenders in that behalfe, of what condition degre or estate sower [*sic*] they be to cite calle and exammen, and all complayntes and sutes concerninge or towching the said visitacon to receyve and heare And bothe the said persons with their Complayntes and offences to exhibete and present unto her highnes other comissioners appoyntid and now resident at London for that purpose as more at Large is specified by our said commission We therefore havinge speciall Truste and confidence in your discrete wisdomes circumspections and godly zeales unto the furtheraunce and advauncemente of true and sincere Religion By theis presentes do committe unto you concerninge the execution of the premisses our full powre strength and authoritie Willinge you as assistaunce of other honorable and worshipfull men appoyntid with us Commissioners in the said Commission under the greate Seale of Englande in this visitacon yf any

suche be or in thair absence two of you within the Towne and denaryes [deaneries] of Southampton to procede to the Inquisition of all singuler suche enormities abuses and other defautes in the said articles or towche [*sic*] the breache of the Injunctions set fourthe for the Queenys highnes said Visitacon Ecclesiasticall And the same so by you founde to exhibitie [*sic*] and present in forme and manor as to the Commissioners before specified And farther yf any person Ecclesiasticall hath heretofore sithence the begynnyng of the reigne of our Sovereigne the Quenys majestie that nowe is or do frome hensforthe Presume and attempte to preache or setforthe any other doctrine or forme in Religion than that which ys nowe receyved and by publique authoritie embraced That than you will cause all suche furth withe to recante the same accordinge to a forme prescribed and annexed unto this your Commission, And if thei shall refuse so to do that then you signifie the same onto the Quenys majesties Commissioners remayninge at London for the reformation of causes Ecclesiasticall willing you to use this your authoritie with suche diligence dexteritie and circumpection as to suche grave matters apperteyneth In witnes wherof we have to this presentes sett the Quenys majesties Seale whiche we use in Causes Ecclesiasticall Dat the 21th of September the firste yere of the reign of our said souveraign Ladie the Quenys most excellent majestie and in the yere of our lorde god MCLIX.

Form of Recantation

Welbelovid Parishioners and neighbours I do nowe here before godd and you renounce and revoke and recante what sover I have hertofore taught or don to the mayntenaunce or advauncement of the usurped Authoritie of the Bisshopp of Rome or to the setting forth of his Bulls Pardons or Indulgences or any other of his ungodlie enormytes or whatsoever I have taughte as concerning Justifacon [*sic*] or salvacon to be hadd any otherwise or by any other meanes than thorough the onlie mercye of god for our savior Jhus Christes sake and by livelie faithe in his bloudde brynging furthe the fruites of goode wourkes, or whatsoever I have taughte of Purgatorye or releasinge of soules out of the paynes of Purgatorye by the sacryfice of the masse Trentals diriges or other prayers / Or concerninge the ministeringe of the sacrament in one kynde onlie or any transubstancon [*sic*] therin or the reserving and kepinge, beringe about or wurshippinge of the same, or whatsoever I have taughte concerninge prayer or service to be said in the laten tongue not understandid of the people Praier to be made to Sayntes departid out of this worlde / or the makinge or decking of any ymages of godd our Savior Christe or of his saintes, or prayinge to sayntes or knelinge before any Images / Lyghtinge of Candells before them, Seakinge of them by Pylgrymages going, or offering of any thinge to them / Or whatsoever I have taught concerninge the necessitie of auricular confession other than consultation withe a lernid man for directinge of ones conscience in thinges wherof he doubteth, or concerninge saying and nomberinge of prayers uppon beades, concerninge holie water, or holie breade, Asshes, Palmes, halowed belles, or any other like supersticon set upp in the church to deface the merites of Christes Passion Whatsoever (I saye) I have taughte or donn concerninge

the premisses or any of them, I do here before God and you acknowledge and confesse, that I have don it contrarye to the true doctrine of holy scriptures, thonlie lighte that we oughte and must folowe in all matters concerninge religion and the true wurshippinge of god, and am sorye therfor And do here nowe before god and you renounce revoke and recante the same as untrue false and ungodly and make my promise unto you here before god, that I will never hereafter teache or do any thinge soundinge or tendinge to the mayntenaunce of the aforesaid untrue doctrines or any of them Pryvelye nor openlie duringe my Lif.

Endorsed. A lessens [license] to order and determen Eclessyastycall matters.

APPENDIX IX

Star Chamber Cases

1. *Bunton v. Lewin and Wyng.*

[Record Office, Star Chamber, Eliz., Letter B, bundle 108, no. 20, and bundle 103, no. 28.]

Bunton complained that the villagers of Newington, Kent, had riotously reaped a field, known as the parsonage field, of which he held a lease from Eton College. In their answer Lewin and Wyng stated that the field in question 'by all the tyme whereof the memory of man was not to the contrary untill the first yere of the reigne of the late kyng of famous memory king Edward the sixt was employed & bestowed to & for the fyndyng of a lampe in the parishe chirche of Newington in the sayed countie And further the sayed defendants saye that our soveraigne Lady the queenes majestie that nowe is is lawfully seized in her demesne as of free by discent from her noble progenitors of & in the sayed parcell of arable land conteining iii acres. And her majestie so being thereof seized of her highnes most charitable zeles towards the poore was pleased & contented that the proffettes of all suche landes as were geven or bequethed to the fyndyng of eny torchys lightes tapers and lampes shuld be by the chirkewardens of the same parishe where the sayed lampes shuld be fownd converted to the use of the poore & nedy neighbourers of the same parishe which her highnes most godly & charitable pleasure was openly publyshed in her majesties late generall visitacon by the advise of her highnes most honorable counsell throwout all the places of this her majesties realme by her majesties severall commissioners for the said generall visitacon as by her majesties injunctions in that behalf given & made more at large it appereth by force whereof Thomas Bowden & Thomas Beare being then chirkewardens of the same parishe licensed & appointed theis defendants & others of the sayed parishe being the poore & havynge mutche nede of releif & charitable almes to reape & gather such corne as was growing in & upon the said iii acres of land being wrongfully sown by the sayed complainant after sufficient notice & declaracon made to the sayed complainants by the said chirkewardens that the same iii acres shuld be by them sawe[n] to the releif & sustentacon of the poore of the same parishe & after warning to hym geven by the said chirkewardens of the sayed parishe that he the sayed complainant shuld not occupie nor meddell with the same iii acres of land And thereupon theis defendants and others the poore of the sayed

parishe the Sondaye before the ffeast of St Barthilméwe thapostell afr evening prayer about iii^{or} of the clocke at afr'noone of the same daye being the xviiith daye of August last past did in peaceble & quiett maner reape & cutt downe parcell of such corne as was then growing in & apon the sayed three acres of land to the use of them selves & of other theire poore & nedy neighbours.'

'Deposition taken 21 November 3 Eliz. [1560]

Willm. Lewen of Newynton in the countie of Kent yoman sworne

To the fourth he saith he doth not knowe whether the same pese of lande were presented att any tyme to be lampe landes or not And as he supposith the same landes dyd distende [*sic*] to the Quenes Mat^{ie} that nowe is ffor that the Quenes Mat^{ie} hath gevon the same lande to the use of the pore and nedic persons of the same parishe And sayth further that it was openlye publysshed by the quenes majesties generall vysitors and also sett furthe by her majesties Injunctions that the same lande shulde go to the use of the pore and nedic persons of the said parishe /to be bestowed at the discretion of the churche wardens of the said parishe of Newington.'

2. *J. and R. Heynes v. Burghill*

[Record Office, Star Chamber, Eliz., Letter H, bundle 75, no. 28, and bundle 18, no. 4.]

J. and R. Heynes complained that Burghill and some forty others had assembled to attack him in the church and churchyard of Withington and had molested him in other ways.

In his answer Burghill stated 'that the sayd bill of Complainte is moost sklanderouslye devysyd against him by the sayd complaynautes by the procuremente of William Lewson clerke one of the cannons and prebendaries of the Cathedrall churche in the Citie of heref[ord] beinge a man of £ccc lyvinge by yere and a comon vexer of the Quenes mat^{ie} subjectes in those parties, in the name of the said John Heynes to thintente to cloke and coloure his lewde and moost detestable behaviour and lyvinge aswell againste the lawes of god as the Quens mat^{ie} lawes and procedinges for parte whereof he the sayd lewson hath not only byne lawfully indieted in the countie of heref[ord] ⁴⁴ where he is comoraunte, but also presentid at the Quenes mat^{ie} visitacon before her graces visitors in October last past by dyverse honest credible persons of the parishe of Wythington in the sayd countie of heref[ord] for that purpose amongst other thinges sworne and charged at heref[ord] in the same visitacion for the whiche moost lewde and detestable offences the sayd lewson hytherunto hath escaped withoute punyshmente to the evill example of other like offenders.'

⁴⁴ Offences of this class were usually dealt with by the ecclesiastical courts, but they were sometimes made the subject of proceedings at assizes: *Law Quarterly Review*, xxix. 57.

Depositions taken at Hereford 25 September 1560

Johne Broune deposed

'Itm to the third this examinate saithe that the said William lewson of longe tyme hathe be [*sic*] comenlye reported to lyve incontynentlye with the wyfe of the said John heynes and also by hym [*i. e. the witness*] & others parishioners of the said parishe of Whithington presented at the Quenes maties visitacon beyng sworne and charged.'

Six other witnesses deposed to the same effect.

APPENDIX X

*Reports on Destruction of Church Furniture in Lincolnshire**Grantham.*⁴⁵

The presentment of the church Goode of the Burgh Towne of Grantham sence the last yare of the Reigne of the lait Queene marye

Furst we present that the Roode loft stode upe in carved work in the ffurst yare of the Quenes majestie Reigne that nowe is and was broken downe and solde and the mony to the use of the poore and paying wages for Takyng downe to carpenters and masons and of the surplusage accompt was made by John Taylyer then beyng church warden to master Bentham master Fleetwod and master everyngton⁴⁶ then beyng visiters.

Market Reason [Market Rasen].⁴⁷

Item our Mass booke with all the rest of the same belonging to the popishe sinfull service—was taken awaie by one South the Quenes Majesties Pursevant Anno primo Elizabeth who (as he said) had auctoritie to take the same and what he did with it wee knowe not.

Item a pix—the foersaid South pursevant had the sayd tynne and promisd to break it and to redeliver the barres of silver wherwith it was bound who hath not accordingly restorid the said silver barres and whether the pix be defacid wee ar not certaine.

*Tallington.*⁴⁸

Item the roode Marie and Johnne and all other Imagies of supersticion and all alter tables painted bordes and masse bookes and Cowchers—were burned spoyled and defaced at the quenes majesties visitacon by Robert Browne and Robert Ibbes churchwardens at that presente time.

*Welbie.*⁴⁹

Item a manuell a processioner Legends & suche like popishe peltrie—was brent anno primo Elizabeth at Grantham according to the commandment of the Quenes highness visitors that now is.

⁴⁵ E. Peacock, *English Church Furniture*, p. 87.

⁴⁶ A mistake for *Nevynson*.

⁴⁷ Peacock, p. 124.

⁴⁹ *Ibid.*, p. 158.

⁴⁸ *Ibid.*, p. 150.

*Lincoln cathedral.*⁵⁰

Croze clothes—ii which were wrought with Image of gold . . . taken away by the Servantes of the quenes visiters at their visitacion.

Superaltares—i of marble whiche was broken . . . Quenes grace visitors at their visitacion.

psalters—ix, wherof was burnte by the quenes grace visitors v. And so Remayneth iiii.

processioners—ix, wherof was burnt by the quenes grace visitors [at their] visitacion—iiii. And so remayneth—v.

APPENDIX XI

Institution of William Seton to the Living of Great Ryburgh, Norfolk

[From the muniments of the Right Hon. E. R. Wodehouse.]

ROBERTUS HORNE sacre theologie professor Thomas Huick legum doctor et Iohannes Salvyn iurisperitus Illustrissime in christo principis et domine nostre domine Elizabethe dei gracia Anglie francie et hibernie Regine fidei defensoris &c Commissarii generales inter alios ad visitandum tam in capite quam in membris Ecclesias Cathedralis Civitates et dioceses London Norwicen et Elien Clerumque et populum in eisdem degentem sive comorantem delegati auctoritateque suprema dicte Illustrissime domine nostre Regine ad infrascripta legitime fulciti Dilecto nobis in christo Willelmo Seton clerico Salutem in domino sempiternam. Ad Ecclesiam parochialem de Riburgh magna Norwicen diocesis per mortem naturalem ultimi incumbentis ibidem iam vacantem ad quam per providum virum Thomam Buttes Armigerum ipsius ecclesie parochialis verum et indubitatum patronum nobis presentatus existis te admittimus Teque Rectorem primitus de fidelitate obedientia et subiectione erga dictam Illustrissimam dominam nostram Reginam heredes et Successores suos debito gerunda deque renuntianda auctoritati potestati iurisdictioni et superioritati forinsecis quibuscunque iuxta Leges huius incliti Regni Anglie Anno primo Regni dicte domine nostre Regine in parlamento suo saluberiter edictas et provisas deque legitima obedientia Episcopo Norwicen futuro eiusque successoribus debita prestanda ad sancta dei Evangelia in debita iuris forma rite iuratum instituimus et investimus canonice in eadem cum suis iuribus et pertinentiis universis curam et Regimen animarum parochianorum ibidem tibi in domino comittentes Iuribus Episcopalibus et ecclesie Cathedralis chñ Norwicen dignitate et honore in omnibus semper salvis IN CUIUS Rei testimonium Sigillum Regie maiestatis ad causas ecclesiasticas quo in hac parte utimur presentibus est appensum Datum xix^{mo} die mensis Septembris Anno domini millesimo quingentesimo quinquagesimo nono.

[Endorsed (1) Exhibitum anno 1562 W. Hunt (or Lant).]

(2) A presentacon of Righborough benefice to me Seton 1559.]

⁵⁰ *Archaeologia*, liii. 79–81.

The Trading Privileges of the Royal Burghs of Scotland

PART II

THE disturbances in Scotland, from the time of the beginning of the Bishops' Wars until the enforced union with the English commonwealth, interrupted commerce and industry and made the supervision of trade more difficult to maintain. The royal burghs therefore found that infringements of their monopoly of foreign trade increased. The commissioners of the burghs complained in 1657 that the 'whole tread onlie competent to merchandis of free burrowis, . . . wes inhanced be unfreemen, . . . to the wtter ruine of the whole free burrowis within this nation if some effectuall course be not takin for speidie remeid thair of'.¹ This did not seem to be due to the action of the commonwealth or protectorate government, for the act allowing soldiers to exercise any trade² was declared not to refer to importing or exporting,³ and the English commissioners in Scotland did not interfere with the system of restriction. After the Restoration both commerce and manufactures increased, and the growth of the former naturally led to a desire to share trade privileges on the part of some places which had hitherto not been enrolled amongst the free burghs. Mackenzie said that many little towns were forced to become royal burghs, and then found the expenses of keeping prisons, sending commissioners to parliament, &c., too much for them. It is a 'Shame to see such mean Creatures as some of them, sent to our Conventions and Parliaments; who, notwithstanding they want both Fortunes and Breeding, yet must sit as the great Legislators of the Kingdom'.⁴ Such probably were Fortrose, Cromarty, Kintore, Inverurie, Wick, Kirkwall, and Inverbervie, all enrolled as members of the convention between 1661 and 1670.⁵ Lords of burghs of barony

¹ *Convention Records*, iii. 440.

² Scobell, *Acts and Ordinances*, part ii, p. 357.

³ *Decisions of the English Judges during the Usurpation*, p. 211.

⁴ Sir G. Mackenzie, *Works*, vol. i, 'Pleadings before the Supreme Courts of Scotland,' pp. 63-8.

⁵ *Convention Records*, iii. 533, 534, 611-12, 621-2. Rosmarkie and Chanonrie of Ross had applied earlier for enrolment (1656, *ibid.* p. 430). Some of these erections

also desired that their towns should have the trading privileges of royal burghs, and the dukes of Hamilton made strenuous efforts in favour of Boness, and the Shaws for Greenock.

The convention, as in earlier times, was active in attempting to prevent unfree trade generally, and in resisting or helping burghs concerned to resist the encroachments on their rights by those burghs of barony which wanted trading privileges but did not intend to share the burdens of taxation. Acts were made by the commissioners in 1641, 1642, and 1646 forbidding any burgh or freeman to buy foreign goods from an unfreeman, to sell more than a back's load to such a person⁶ or to load or unload and sell merchandise at unfree ports.⁷ The burghs were exhorted, collectively and individually, to keep these acts of the burghs and acts of parliament which 'have bein for thir many yearis bypast so vilified, neglectit, and contemned, as if the samyn had nevir bein maid'.⁸ The burghs continued to prosecute unfreemen and others who encroached on their rights. In Lanark a gildry was found necessary because of the loss sustained by the trade of strangers and unfreemen usurping the liberties of the burgh.⁹ Glasgow sent commissioners to 'again say Johne Schaw of Grenok anent ane burghe in baronie',¹⁰ and Dumbarton joined with its ancient enemy in this common cause.¹¹ Linlithgow obtained a decret of suspension against the inhabitants of Borrowstounes (Boness), ordaining them to desist from usurping the privileges of royal burghs;¹² and was engaged from 1662 in a long struggle with the duke of Hamilton to prevent its erection into a royal burgh, and to have the customs office at Blackness, their port, instead of at Boness, in which the convention assisted them.¹³

The pleadings in actions by Linlithgow against Boness¹⁴ and by Stirling against the inhabitants of Falkirk give the arguments for and against the unfree burghs. The royal burghs declared that they had the sole privilege of having all goods loaded and unloaded at their ports. This was convenient for the collection of the customs; and if it were not maintained they could not pay the burden of taxation which was laid on them because of their trade. The prejudice to the public was

were opposed by Inverness and Aberdeen. Inverbervie was a royal burgh in 1359 but had never exercised its privileges, and had therefore not enrolled as a member of the convention.

⁶ *Ibid.* iv. 547-9. The full records of the convention for the years 1631-1649 are wanting.

⁷ Papers relating to the Convention of Royal Burghs (City Chambers, Edinburgh), bundle 219, Act against unfree traders (1646).

⁸ *Convention Records*, iii. 445 (1657).

⁹ *Lanark Records*, pp. 162-6 (1658).

¹⁰ *Glasgow Records*, ii. 19 (1634).

¹¹ *Dumbarton Burgh Records*, p. 43.

¹² *Convention Records*, iv. 550 (1645).

¹³ *Ibid.* iii. 549, 562, 577, 614-15.

¹⁴ Morison, *Decisions of the Court of Session*, iii. 1904-5.

urged by the unfree burghs, who declared that the more traders there were the richer was the country, and the fewer traders the less customs were received. They said that the country where royal burghs were far apart was ill served with necessities. Nations which understood trade, such as Holland, made it free to all. They also argued that the laws were partly in desuetude, and that some unfree places had been given and had exercised trading privileges.¹⁵ There was, in fact, some doubt as to the exact extent of the burghs' privileges as regards internal trade. In the case of Cupar against Kinnothy the lords declared that the controversy between the royal burghs and the burghs of barony had remained undecided these thirty years, but at the same time found that the former might charge the latter to desist from merchant trade.¹⁶ In 1672 Mackenzie, as advocate for the burghs of barony in the case of Stirling against Falkirk, moved that the question should be remitted from the session to the parliament, since 'this Privilege doth divide Scotland into Two Parts, since Equity in it, seems to oppose Law, and since both Parties pretend to national Advantages'. Lauderdale, who was interested in the question because he was lord of Musselburgh, came to Scotland for the occasion,¹⁷ and parliament passed an act giving power to any one to export corn, cattle, nolt, sheep, horses, coal, salt, wool and all other native commodities, and goods of their own manufacture; and to import in return timber, iron, tar, soap, hemp and other necessities for tillage or building, or for use in manufactories. The only trade reserved for the royal burghs was the wholesale trade in wine, wax, silk, spices, woad, and other materials for dyeing.¹⁸ Their complete monopoly of foreign trade was therefore swept away. Lauderdale by passing this measure lost 'the affection of the Burghs Royal'; but as it was reported that one of his motives for supporting it was to 'ingratiate himself with the Nobility and Gentry',¹⁹ he may have made a net gain.

Naturally, the royal burghs did not allow their privileged position to be lost without making attempts to regain it; especially as they were not to get in return any assistance with the payment of taxation. They petitioned parliament in 1681 to be restored to their old rights and privileges, as their trade was 'In hazard to be absolutlie ruined',²⁰ and a committee was appointed to consider their requests. Lord Fountainhall says that they 'ware

¹⁵ Mackenzie, *Works*, i, 'Pleadings before the Supreme Courts of Scotland,' pp. 63-8; 'Observations on the Acts of Parliament,' p. 223.

¹⁶ Morison, *op. cit.*, iii. 1905 (1664).

¹⁷ Mackenzie, *Memoirs of the Affairs of Scotland*, pp. 226-7.

¹⁸ *Acts of the Parl. of Scotland*, viii. 63-4.

¹⁹ T. Morer, *A Short Account of Scotland*, pp. 69-7 (1702).

²⁰ Parliamentary Papers (General Register House), xi. 87.

by the Court gulled with the hopes of getting ther priviledges restored . . . , and in hopes of it, with Issachar, they crouched under the burden, and yeilded to every demand of the Duke of York ; but when they brought in ther bill to the Articles, they ware so far from getting redresse, . . . that the Articles ware like to take more away from them. So the Burrows were glad to put up ther pipes, and hold them as they ware.’²¹ On James VII’s accession they reminded the commissioner, Queensberry, of their privileges,²² but the king ‘say’d he would not medell in that’.²³ The principal reason against any change in the position of affairs seems to have been political. The burghs were ‘obstinat against the Court party’,²⁴ and the ‘brazen wall the Papists found hardest’;²⁵ and so the wished-for legislation was not enacted. The convention tried to restrict the loading and unloading of goods which were the ‘propper subject of the trade of the royall burrows’ at unfree places, and also forbade their burgesses to be partners in any ships belonging to unfree burghs.²⁶ It also assisted Glasgow and Linlithgow to continue their struggle against Greenock and Boness. The provost of Glasgow, with some help from Dumbarton, strenuously opposed Greenock’s attempts to trade,²⁷ and was successful in obtaining a decision from the court of session that only free burgesses might import salt.²⁸ In 1679 trouble arose again about some leather imported by Greenock merchants. They, declaring that the town of Glasgow had ‘conceaved a groundles prejudice’ against them, and that they were therefore ‘extreemly vexed and put to great truble and unnecessary expence’, appealed to the convention to appoint some of its members to decide all differences between them.²⁹ Glasgow agreed,³⁰ and a committee of the convention thereupon gave a decret arbitral declaring that the seizure of leather was lawfully made, but that Glasgow was not to pursue the inhabitants of Greenock in future without first giving the names of the persons complained of to Sir John Shaw, who was to cause them to find caution to give Glasgow satisfaction or else to put them out of the town of Greenock.³¹

Linlithgow and the duke of Hamilton were still in litigation

²¹ Fountainhall, *Historical Notices of Scottish Affairs* (Bannatyne Club, i. 323-4); *Acts of the Parl. of Scotland*, supplement, pp. 44-5; and cf. *Convention Records*, iv. 27.

²² *Convention Records*, iv. 51-2.

²³ *Hist. MSS. Comm. Rep.*, Duke of Buccleugh’s MSS. (Drumlanrig), ii. 66.

²⁴ Fountainhall, *op. cit.*, ii. 734.

²⁵ *Ibid.* p. 727.

²⁶ *Convention Records*, iv. 24 (1681), 42 (1683).

²⁷ *Glasgow Records*, iii. 208, 212, 227-8, 230.

²⁸ Morison, *op. cit.*, iii. 1908-10 (1678).

²⁹ *Convention Papers*, B. 219, ‘Petition for the Inhabitants of Greenock’; *Glasgow Records*, iii. 268.

³⁰ *Glasgow Records*, iii. 275-6; *Convention Records*, iv. 17.

³¹ *Glasgow Charters*, ii. 204-13.

about the removal of the customs-house from Blackness to Boness, made a burgh of regality with a free port in 1669.³² The exchequer remitted the question to the session, who ordered a visitation to be made of both harbours in 1680 to see which was the better,³³ but they did not give an immediate decision. Hamilton wrote to Queensberry in 1682 hoping that he would 'minde the changing the customehouse to Borroustones', and declaring that a custom-house at Blackness was 'a lose both to the Kings customes and a prejudice to the leidges'.³⁴ The custom-house was moved to Boness, and though the lords of exchequer in 1687 declared that it should have remained at Blackness, the exercise of the Hamilton influence secured its maintenance at their port.³⁵

On the change of government in 1689 the convention sent members to present a commission representing to his majesty that the royal burghs had had all trade of export and import, in return for which they paid a sixth part of taxation, maintained prison-houses, &c., 'untill of late, whyll arbitrary government wes creiping in upon us, by one strock of ane act of parliament', in 1672 trade was communicated to the inhabitants of burghs of regality and barony, 'wherby we are outterly ruined in our trade and the mean of our lyveliehood and subsistance whollie taken from us.'³⁶ Next year an act was passed, in little less advantageous terms than a draft drawn up by the convention in 1689,³⁷ restoring most of their privileges to the royal burghs. The import of all foreign goods was to be restricted to them, except cattle, horses, sheep and 'other bestiall', and the export of all native goods except corn, cattle, &c., metals, minerals, coal, salt, lime, and stone. The inhabitants of unfree burghs were allowed to buy and sell all native commodities, and to retail foreign goods, provided they bought them from freemen of royal burghs. The act of 1672 was abrogated in so far as it was inconsistent with this act.³⁸ A committee was at once appointed by the convention to consult as to the best means to be taken for the execution of this act.³⁹ It decided that it would be better to take steps for the communication of trade to the unfree burghs than to proceed to enforce their newly regained privileges by law. Letters were therefore written to the burghs of regality and barony inviting them to make offers for the privilege of sharing in foreign trade.⁴⁰ The royal burghs were also asked to give particular information about the trade of unfree burghs within their bounds, and the commission which was appointed

³² *Acts of the Parl. of Scotland*, vii. 578-81.

³³ *Convention Records*, iv. 19-20; Fountainhall, *op. cit.*, i. 250-1.

³⁴ *Hist. MSS. Comm. Rep.*, Duke of Buccleugh's MSS. (Drumlanrig), i. 244.

³⁵ *Convention Records*, v. 335-7.

³⁶ *Ibid.* iv. 100-1.

³⁷ *Ibid.* pp. 93-4.

³⁸ *Acts, Scotland*, ix. 152-3.

³⁹ *Convention Records*, iv. 119.

⁴⁰ *Ibid.* pp. 123-5.

at this time to visit all the royal burghs and to inquire into their condition, trade, and common good,⁴¹ was also instructed to find out the condition of the unfree burghs within their precincts.⁴²

There was little response to the invitation of the committee—‘the lenth the vnfree burghs cam did nowayes answer the end and expectation of the royal borrowes’. Falkirk sent a person with no commission to treat, which was a ‘meer sham and a ridicouling of the borrowes’. The commissioners of Boness, who were instructed to tell the convention of the great poverty of the place, asked for the benefit of trade but refused to offer any fixed sum.⁴³ This was said to be meant to ‘hold the royall borrowes in suspence and in the dark and at ane vncertainty, that they may all the whyll use the trade of a royall burgh’. Shaw of Greenock offered to pay a proportion of taxation after valuation, but as he would not specify an amount, as Glasgow’s interest might suffer, and as this was but one unfree burgh, the committee could not accept. The treaty was therefore declared to be ‘at a period and close’,⁴⁴ and the royal burghs were authorized to put the acts in their favour into execution. From the reluctance of the unfree burghs to make any offers to this committee it would seem either that they had not sufficient trade to make it worth while to pay for the communication, or that they considered they would be successful in carrying on what trade they wanted without much hindrance, and therefore did not feel inclined to pay for what they could get for nothing. The latter seems the more acceptable solution, both because of the complaints of the royal burghs of the harm done to their trade, and because it seems certain that after the act of 1672, and perhaps to some extent before it was passed, a few of the burghs of regality and barony had begun to trade with foreign countries.

This is shown in the reports on the condition of the burghs in 1692, in which complaints were also made about the domestic trade of these unfree places. This had been thrown open by the act of 1672, though it is doubtful how far the restrictions before that had been effective. Stirling complained that Falkirk, Alloa, &c., had a considerable trade and were very prejudicial to them. Linlithgow found Boness, Grangepans, and others ‘highly prejudiciall to ther trade both outland and inland’, and also complained of the number of villages which ‘wrong ther trade by venting aboundance of staple comodities to the countrey’. Paisley and Hamilton had ‘great inland trade’. Greenock ‘hes a very great trade, both forraigne and inland’.

⁴¹ *Ibid.* p. 119.

⁴² *Ibid.* p. 131.

⁴³ Convention Papers, B. 213, ‘Petition from Inhabitants of the burgh of regality of Borrowstouness & Instructions to Ritchard Darling and John Hunter.’

⁴⁴ *Convention Records*, iv. 139–41.

The burghs of barony in the precincts of Ayr were very prejudicial to their trade, while those near Haddington 'are now more frequented and more buying and selling of goods therein than in Hadingtoun'. Kilmarnock and Largs, &c., served the most part of the country round Irvine with goods by retail, and 'ther houses are better and more of them than many royall burghs'; while the worst of the unfree burghs near Renfrew had much more trade than the royal burgh itself. Sanquhar was in a poor plight, surrounded by burghs of barony 'whois retail of staple goodes destroyes totally ther trade'.⁴⁵ The royal burghs were anxious that these places should pay for their prosperity, but they knew by experience the difficulty and expense of enforcing their rights. Therefore an arrangement proposed by Mr. John Buchan, agent for the burghs, commended itself to them. He undertook to relieve the burghs of 10 per cent. of the cess for three years, on the convention granting him power to execute the act of parliament of 1690 and their act against freemen trading with unfreemen; and also to communicate trade to such unfree places as he should think fit, taking the fines and payments for his own use.⁴⁶ This contract was ratified by parliament in 1693, with the addition that after it expired the communication of trade should continue, on payment of a just proportion of the tax roll corresponding to the trade of the unfree burghs, to be fixed by the convention, with appeal to parliament in case of any inequality in adjusting their proportion.⁴⁷

At last an arrangement with elements of success and equity had been arrived at: the royal burghs were to give up some of their exclusive rights in return for assistance in paying taxation. But the unfree burghs were to have no representation in the convention; and the arrangement with Buchan did not seem, nor did it prove in practice, to be wholly satisfactory. Various points were left indefinite. Those concerned with the unfree trade complained that Buchan endeavoured to 'screw and extend' the meaning of the act of 1693 by declaring that it abrogated the act of 1690, and therefore tried to force all who engaged in retailing to pay for the communication, whereas retailing was allowed by that act. He was also said to compel all unfree burghs to agree to a communication whether they wished it or had any foreign trade or not; and to declare that handicraftsmen were liable to be stented also, although only merchants got any benefit from the arrangement.⁴⁸ The royal burghs announced that the

⁴⁵ *Miscellany of the Scottish Burgh Records Society*, 'Register containing the State and Condition of every Burgh within the Kingdom of Scotland, in the year 1692,' pp. 53-157.

⁴⁶ *Convention Records*, iv. 159-60.

⁴⁷ *Acts, Scotland*, ix. 315-6.

⁴⁸ *Parliamentary Papers*, xv. 92¹, ²; xvi. 98, 99.

act of 1693 'brought the matter precisely to this point, either accept of the Communication offered, or otherwise give over all trade exerced by the Royal Burrows, either by Export or Import, or by Retail'.⁴⁹ Buchan got his tack renewed in 1695 and in 1697.⁵⁰ Acts were proposed in 1696 to clear the doubtful points, but were not passed;⁵¹ and in the same year Buchan brought an action in the court of session against Musselburgh and Dalkeith, declaring that they should either pay a proportion of the burghs' taxation, or desist from all trade, export, import, or retail; 'if ye decline the *onus*, ye must not have the *commodum*.' The lords found that those who repudiated the offer of a participation of trade must give over trade if they would not submit to a share of the burden; and nominated two persons to adjust the quota of these burghs.⁵² A few of the larger burghs, Greenock, Boness, Prestonpans, &c., agreed with Buchan for the communication, but he 'could not bring the generality of the unfree traders to an agreement', and the project and his execution of it were very unpopular, as the numerous complaints showed. At last, despairing of being able to induce the unfree burghs to pay their share of the 10 per cent. for which he was responsible, and having got into difficulties by having to advance money to the burghs from his own funds, he proportioned this sum on the several shires.

The council then made proclamation ordering the commissioners of shires to meet Buchan or his substitutes to consider his offers, and, if they accepted, to divide the quota amongst the unfree burghs and unfree traders of the shire.⁵³ If this offer was not accepted the unfree traders were all to be proceeded against according to law. But these meetings proved 'successless', in spite of the decision in the Dalkeith and Musselburgh case, and so Buchan was forced to apply for relief to the convention in November, 1697; with the result that the contract was taken off his hands. He granted sub-tacks to a number of burghs to levy the proportion payable by the unfree persons in their respective shires, and part of this was to be paid to him.⁵⁴ He was, however, still liable for 'bygones', the payments which he had failed to make to the burghs during the time of his contract. Fearing that this burden would 'infallibly sink me and my Small Fortune', he petitioned parliament next year to appoint a commission of their number to settle the matter.⁵⁵ As no one was satisfied, complaints from the unfree traders being very numerous, Buchan being anxious to give up the arrangement,

⁴⁹ *Ibid.* xvi. 101.

⁵⁰ *Convention Records*, iv. 202-3, 233.

⁵¹ *Parliamentary Papers*, xv. 92³, 5; *Acts, Scotland*, x, app. 8.

⁵² M. P. Brown, *Supplement to the Dictionary of the Decisions of the Court of Session*, iv. 310-11.

⁵³ Scottish Privy Council Register, Acta, 1696-9, 18 February 1697.

⁵⁴ *Convention Records*, iv. 250-4.

⁵⁵ *Parliamentary Papers*, xvi. 107.

while the royal burghs had got but little relief, parliament attempted to make another arrangement. An act was passed 'Regulateing the Trade betwixt Burghs Royall and Burghs of Regality Barony and others', which declared that only burgesses of burghs royal and 'such to whom the said priviledge shall be communicat' should be allowed to export native goods, except cattle, sheep, horses, coal, salt, &c., and to import foreign commodities. Retail trade, one of the objects of contention in the past few years, was to be generally allowed, providing foreign goods were bought from freemen of royal burghs.⁵⁶ A parliamentary commission was appointed to settle the question of bygoness during Buchan's contract, and to fix the proportion of the hundred pounds to be paid in the future by unfree traders, and its sentences were given the force of a decree of parliament.⁵⁷ The commission was issued at the beginning of 1699. Buchan promptly presented a petition asking for relief, as he was more than £90,000 (Scots) 'of advance upon the unfree Trade'; his accounts were produced, and his affairs considered. Arrangements were made for payment to him of £5,197 9s. 8½*d.* (sterling) by the unfree traders, and £1,200 for his expenses from the royal burghs. Then the commission proceeded to consider what proportion of the tax roll should be made payable by the unfree traders. They received many petitions from the burghs of regality and barony, giving a somewhat different picture of their condition from that set forth in the reports of the royal burghs in 1692, a discrepancy more probably to be accounted for by the point of view of the writer than by the changes wrought by the lapse of years. The inhabitants of Grangepans were all in too 'mean a condition' and were only 'poor work people', so only two of them could trade. Most of the inhabitants of Kilmarnock lived on charity, and the 'greatest part of that Towne is vast'. Paisley was 'very low and in a poor condition'. Prestonpans was much 'depoperat', and full of ruinous houses. The trade of Boness was almost entirely carried on by merchants of royal burghs and over a hundred families were living on the charity of their neighbours.

The commissioners of supply in the shires were authorized to receive offers from the unfree traders in their bounds, and reports from several counties were made to the commission, and criticized by the royal burghs. The commissioners drew up a list of the proportions they considered equitable, but for some reason their sittings stopped in August 1701, and their work was left uncompleted.⁵⁸ No further effort was made by parliament to

⁵⁶ *Acts, Scotland*, x. 176.

⁵⁷ *Ibid.* pp. 176-7.

⁵⁸ *Ibid.*, app., pp. 107-48; *Miscellany of the Scottish Burgh Records Society*, pp. li-lvi.

settle the question; the treaty of union declared that the rights and privileges of the royal burghs in Scotland should remain entire,⁵⁹ and after this last act of the Scottish parliament there was no legislation about the trade privileges of the burghs until the act of 1846. Matters were left in a very unsatisfactory condition for the royal burghs. No definite arrangement had been made, and the unfree burghs, under cover of the acts for communication of trade, apparently 'assumed the Rights and privileges of Burghs Royall without affording ym any due releife'; while the latter had to pay the ten pounds for which unfree traders were to have been responsible.⁶⁰ The burghs ascertained in 1703 that unfree traders could not, as the law stood, be forced to accept communication of trade, and that the assessment made by the parliamentary commission only applied to the years of Buchan's contract; that the courses open to them were either to set down the quotas they thought the unfree burghs should pay and offer them the communication, threatening legal proceeding; or else to ask them to come and treat.⁶¹ An act was drawn up imposing a tenth part of the cess payable by the royal burghs on the shires, to be apportioned by the commissioners of supply on the unfree traders, but it was read and not passed.⁶² The convention was therefore deprived of the assistance of new legislation, and was forced to try to make some arrangement which the fear of enforcement of previous statutes would render effective.

A committee was appointed to deal with any unfree trader who might wish to agree without a legal process; ⁶³ and their agent was ordered to settle with them in terms of their agreement with Buchan, or to proceed against them and to forbid them to trade further until they agreed.⁶⁴ Arrangements were made with Greenock, Peterhead and parishes near Wemyss, Musselburgh, Falkirk, &c.; ⁶⁵ but by 1706 so few had agreed that the convention proposed that the burghs should consider whether it would not be advisable to have the burghs taxed with all the rest of the kingdom, and the whole kingdom to have the benefit of trade.⁶⁶ The union treaty, however, made no change in the system of the payment by the burghs of one-sixth of the taxation, which now amounted to £8,000, as the land tax was fixed at £48,000. By 1708 nineteen unfree places had agreed, and were assessed at £1 14s. 1d., augmented to £3 2s. 2d. These included Greenock, Kilmarnock,

⁵⁹ *Acts, Scotland*, xi. 411.

⁶⁰ *Parliamentary Papers*, xviii. 18, 57¹.

⁶¹ Convention Papers, B. 222, 'Queries for the Royal Burrows anent the Unfree Traders' (1703).

⁶² *Parliamentary Papers*, xviii. 60; *Acts, Scotland*, xi. 77, app. p. 28.

⁶³ *Convention Records*, iv. 356.

⁶⁴ *Ibid.* p. 358.

⁶⁵ *Ibid.* pp. 359-63.

⁶⁶ *Ibid.* pp. 390-1.

Falkirk, Boness, and several of the larger unfree burghs, but about sixty still refrained from making any arrangement.⁶⁷ The convention, finding further begging and threatening of little avail, and legal proceedings by their agent expensive and unprofitable, devised a plan whereby each burgh within whose bounds there were any unfree burghs or unfree traders should have the right to prosecute them upon their own expenses, and to use what money they got from them for their own relief in the payment of their share of the tax.⁶⁸ A good many burghs applied for this privilege; and for the rest of the century the unfree traders either paid their own quota, as Greenock and the larger burghs of regality and barony did, or were liable to be pursued by the neighbouring royal burgh, who could summarily seize goods imported belonging to unfreemen if they were within the precincts of a burgh, without resorting to any other jurisdiction than that of the burgh.⁶⁹ This does not seem to have been commonly done, and there was little litigation in higher courts, the decisions in the few cases which were concerned with trade tending to reduce the restrictions. In 1757 it was decided that the exclusive privilege of importation related only to foreign commodities, and that goods brought from England were not, since the union, to be reckoned as foreign;⁷⁰ and in 1793 that craftsmen might import the materials of their trades and export the produce.⁷¹

The state of affairs was not, on the whole, satisfactory for the royal burghs, as the amount by which they were relieved of taxation was small, for few burghs had accepted the communication; those who had did not always pay their share, and it was difficult or impossible to make them do so if they declined. Some burghs renounced the privilege and the payment; other towns, which had made no agreement with the royal burghs, grew up and carried on foreign trade. Several times inquiries were made as to possible methods of regaining the former privileges, or of enforcing them, as the defects lay chiefly in the method of execution of the existing laws.⁷² It was suggested that the acceptance should be made compulsory; that customs officers should be empowered to seize foreign goods imported by unfreemen; that a clause should be got in the land tax to make the communication effectual; that more powers should be given to the convention to enforce payment from unfree burghs.⁷³ There were many complaints of smuggling, which was carried

⁶⁷ Convention Papers, B. 224, 'Nott of the unfree traders Agreed and not agreed.'

⁶⁸ *Ibid.* B. 230, 'Overture anent Unfree traders' (1714).

⁶⁹ *Convention Records*, v. 517-18.

⁷⁰ Morison, *op. cit.*, iii. 1952-3.

⁷¹ *Convention Records*, v. 339-47.

⁷² *Ibid.* pp. 1979-82.

⁷³ Convention Papers, B. 245, 'Memorial anent the unfree Traders' (1749).

on principally, so the royal burghs said, by unfreemen. The inhabitants of free burghs could not 'deal in running with half the advantage ane outlyer can', for they had much more trouble in evading the customs officers who were placed in all royal burghs with any trade. Freemen after the union, deluded by 'fond but false hopes of gain', fell 'into the running trade and whilst imbarqued in it they durst not complain of outlyers tho they saw them running away with their priviledge (*id est* foreign trade), for fear of informations'. But they have since seen their error and how noxious such a trade is. 'Shall the freemen then, who suffered the outlyers to gain upon their priviledge out of necessity whilst they followed the clandestine trade, sit now quiet, and when they for their parts must give up all thoughts of running, allow the outlyers to enjoy all the forreign trade for which the burrows pay, when their enjoying that trade and in the fraudulent way too disables the freemen from carrying on any foreign trade whatever?'⁷⁴

The burghs were not extreme in their demands. They did not attempt to have their monopoly of foreign trade restored, perhaps because they recognized it would be hopeless to enforce it; and they even thought it might be 'laying too great a restraint upon Trade to preclude the Burghs of Barony and Regality and O' from all Foreign Trade unless they become subjected to the full Tenth of the Tax Roll'.⁷⁵ Far from paying a full tenth, the unfree burghs gradually reduced their contributions, until, in 1790, twenty-five burghs only paid 2½ per cent. of the whole taxation;⁷⁶ and in 1835 the commissioners on Municipal Corporations were told that for over fifty years they had paid £200 of the £8,000 payable by the royal burghs.⁷⁷ But on the whole, in the eighteenth century, the law concerning commercial privileges had been 'gradually subsiding into desuetude, in consequence of the generally prevailing opinion of its public impolicy, and a conviction, on the part of the privileged classes, of its real inutility for the well-being either of individuals, or of the communities to which they belong'. The commissioners in 1835 recommended, 'in concurrence with the opinion of the best-informed classes of mercantile men',⁷⁸ that these exclusive privileges should be abolished, and this recommendation was put into effect a few years later by the act 9 Victoria, c. 17, which authorized any person to deal in merchandise or to carry on any handicraft.

⁷⁴ *Convention Records*, v. 612-21, 'Letter to the royal burrows against smuggling.'

⁷⁵ Local Courts and Registers (General Register House), B. 1 (1749), 'Memorial for the Royal Burrows of Scotland.'

⁷⁶ *Convention Papers*, B. 246, nos. 70, 90.

⁷⁷ *Municipal Corporations Report*, 1835, Appendix to General Report, p. 11.

⁷⁸ *Ibid.*, General Report, pp. 77, 78.

The royal Scottish burghs were therefore in possession of their exclusive trading privileges for about seven centuries. During the first three centuries, at any rate, it is probable that none but the privileged burghs were able to share in foreign trade; and it is not likely that any hardship was inflicted on the burghs of regality and barony by the rights of the royal burghs in their own extensive districts. And in the sixteenth and early seventeenth centuries the prosperity of the country as a whole probably profited more from the organization of foreign trade by the convention than it lost by the exclusion of the unfree places. For a few years before the beginning of the war and after the Restoration, until the act of 1672 was passed, the unfree places were becoming more anxious to share the burghs' privileges and more bold in encroaching upon them, while the numerous prosecutions recorded in the convention records and in the burgh registers seem to show that the unfree man found the restrictions on domestic trade oppressive. It must not be forgotten, however, that the royal burghs paid for their privileges, as is shown by their anxiety in the late seventeenth century to induce the unfree places and people to pay for the communication of trade rather than to continue their attempts to debar them from it. The absence of prosecutions of those burghs of regality and barony which did not contribute towards the burghs' share of taxation seems to indicate that the laws enforcing the exclusive privileges were in abeyance during the latter part of the eighteenth century; and also that the increased prosperity of Scotland after the last Jacobite rising made the royal burghs less careful of their rights because less sensitive in their pockets.

THEODORA KEITH.

The Antecedents of the Treaty of Hanover

THE year 1725 saw a revolution in European politics. The death of Peter the Great on 8 February, which created a new situation in the north, was followed by the treaties of Vienna between Austria and Spain, which changed the whole political conditions of the south. Against them, mainly, was directed the treaty of alliance between Great Britain, France, and Prussia signed at Hanover on 3 September. Yet this was not the reply first planned by George I; when at the beginning of March came to London news of Peter the Great's death and the first surprising intimations of private overtures made by Spain to Austria, negotiations actually in progress between the three powers were allowed to lapse, and a league against Austria was devised which left out Prussia. Later, a new treaty with France was drafted, and this was hurriedly altered to include Prussia, when Frederick William I came to Hanover at the end of July and was found amenable.

At the beginning of the year five foreign negotiations engaged the attention of George I and his secretaries of state, Lord Townshend and the duke of Newcastle, negotiations 'interwoven together', to use Newcastle's phrase,¹ and soon to produce a very maze of complication. Firstly, George and Louis XV were posing as joint mediators between Austria and Spain, with the object of completing the settlement of southern Europe on the conditions of the quadruple alliance. Although during three years unceasing correspondence with the courts of Vienna and Madrid had failed to obtain concessions from either, the plenipotentiaries assembled at Cambray, the official seat of the mediation, were busy with such work as was left to them without guessing how soon they were to disperse.² The very obstinacy of Austria and Spain removed the thought of the possibility of their separate agreement. Secondly, Campredon at St. Petersburg was still employed upon the projected alliance between France, Great Britain, and Russia, and here also the expectation that

¹ 'The affairs of the North and South are so interwoven together, that any stand or rub that happens in either place, must in consequence affect the other' (to Horatio Walpole at Paris, 4 February (o.s.) 1725, British Museum, Add. MS. 32742).

² For the congress of Cambray see Dureng, *Le Duc de Bourbon et l'Angleterre*, ch. ii; Basil Williams, *ante*, xv. 481 ff.

Peter the Great would accept the draft treaty sent him in October, though not so confident as heretofore, was still maintained.³ The third negotiation was that with Prussia referred to. Fourthly, Stephen Poyntz at Stockholm was employing all possible means to re-establish the influence of George I in Sweden. And, lastly, George had joined with other protestant sovereigns in violent expostulation with Augustus II of Poland against the persecution of the Polish protestants, which had culminated in December in the so-called 'blood-bath' of Thorn.

Tracing developments to the beginning of June, of the causes which broke up the congress of Cambray little need be said; they have frequently been narrated.⁴ And in the north we have only to note the change of rule in Russia; the difficulties with Catherine I came later. But the Prussian negotiation requires treatment in some detail, if only as throwing a bright light on the position and politics of Frederick William I, and the Polish difficulty must be stated, for everything was complicated by it.

We have seen⁵ how, in 1724, the endeavours of George I to procure the accession of France to the treaty of Charlottenburg resulted in French consent to take Prussia into alliance in another way. A draft treaty was prepared at Paris and sent to London in November. When Count de Broglie intimated its receipt to the Prussian envoy there, Baron Wallenrodt, the latter understood that Russia was to be invited to join, and Frederick William, in reply to his report, wrote that he would enter into engagements with the tsar without difficulty, but into none with the emperor or the king of Poland, who were clearly of accord to do him all the harm they could. At the same time he reminded his envoy that it was his constant maxim not willingly to bind his hands by new alliances, but rather to await conjunctures which fresh disturbances in Europe might produce and then take measures in accordance with his own convenience.⁶

³ *Ante*, xxvii. 503-10. In 1726 the Chevalier de Camilly, going as ambassador from France to Denmark, was informed: 'Le Czar s'étoit expliqué de manière que la conclusion de l'alliance qu'il s'étoit négociée pouvait peut-être avoir lieu incessamment, lorsque la mort enleva ce prince' (*Recueil des Instructions données aux Ambassadeurs et Ministres de France*, xiii. 111).

⁴ Particularly, Syveton, *Une Cour et un Aventurier au XVIII^e Siècle*. Also, besides the general histories, Armstrong, *Elisabeth Farnese*, ch. x; Arneth, *Prinz Eugen von Savoyen*, vol. iii, ch. vii; Baudrillart, *Philippe V et la Cour de France*, vol. iii; Dureng's work cited; Basil Williams, *ante*, vol. xv. A great 'Relation Commune' of 11 May by St. Saphorin and the French minister at Vienna, Du Bourg (Record Office, Germany (Empire) 55), gives a detailed account of the means whereby they watched Ripperda's doings and of their dealings with the Austrian ministers. Their principal informant was the minister of Savoy, the Marquis du Breuil (Solaro di Breglio), whose character and services they praise highly.

⁵ *Ante*, xxvii. 493-5, 510-11.

⁶ Wallenrodt, 21 and 24 November, and rescripts to him of 9 and 12 December, Staatsarchiv, Berlin.

On the French side, diplomatic intercourse between France and Prussia being in the hands of secretaries only, the negotiation was entrusted to Count Rottembourg, plenipotentiary at Cambray and formerly ambassador at Berlin, who had long worked to bring Prussia and France together.⁷ So great was the secrecy demanded, that Townshend warned Wallenrodt neither to say a word to the king's Hanoverian ministers nor even to send his dispatches through Hanover,⁸ while Rottembourg either communicated with Ilgen personally by private messengers or, as later arranged, sent his letters to the Prussian envoy at the Hague by a route which escaped the imperial post-offices at Antwerp and Brussels.⁹

The draft, after settlement between England and France, was sent to Berlin by Rottembourg on 15 December, with a long letter to Ilgen discussing it in detail and full of ardent assurances.¹⁰ Besides the ordinary stipulations of a defensive treaty it contained provisions as to the employment of the obligatory contingents of Hanover and Prussia in the case of war between France and the empire, and, to attract the king of Prussia, engagements to support his rights in Neuchâtel and Vallengin and his claim to the succession to Cleves and Juliers.¹¹ The treaties named for guarantee were those of Utrecht and Baden, of the Hague and London (the triple and quadruple alliances), and the Swedish treaties of 1719-20 with Hanover, Great Britain, and Prussia. The Dutch republic was named as a power specially to be invited to accede, and another clause exempted France from adhesion to the protestant engagements of the British treaty of Stockholm.

Frederick William was not slow to mark the deficiencies of the treaty from his point of view. He contrasted the little protection afforded him by the treaties to be guaranteed with the great responsibilities which they imposed upon him. He was interested, he said, only in that of Utrecht, which had given Prussia her share of Guelders, and his own of Stockholm, by which he held Stettin and its district. But for the former he required no further security, and for the latter he had a French guarantee already. On the other hand, hardly any disturbance could take place in Europe in which the other treaties would not oblige him to take part in arms. France, he said, ought to guarantee him all his possessions both within and without the

⁷ Compare his letters of 3 July and 15 September 1724, *ibid.*

⁸ Wallenrodt, 28 November, *ibid.* Frederick William approved, saying that Hanoverian sentiments towards him were known and that anything discovered would at once be communicated to Vienna (rescript of 12 December, cited).

⁹ Letters of Rottembourg and of Meinertzhagen, Prussian envoy at the Hague, *ibid.* ¹⁰ *Ibid.*

¹¹ Still so, as in the treaty of Charlottenburg, instead of Juliers and Berg; cf. *ante*, xxvii. 71 n.

empire, as Great Britain had done under the treaty of Charlottenburg. In particular he objected to guarantee the quadruple alliance, having no concern with the affairs of Italy or Spain nor wish to be involved in wars that might arise from them. He wanted also enlightenment as to what engagements mentioned between France and England might be, and stronger expressions about Neuchâtel and Juliers and Berg. In regard to military succour he called to mind his obligation already existing to furnish 10,000 men to the aid of George I. Lastly, he descanted on his relations with Austria, whose behaviour, he said, had long been all but unbearable, in spite of his own friendly conduct. Describing the system of invariably adverse decisions in his suits before the courts of the empire,¹² he asserted that it was the fixed policy of Vienna to weaken him, and that under pretext of law and justice he was in danger of losing the best part of his ancestors' dearly bought gains. To be freed from these troubles he saw but two ways, either to oppose the imperial court with vigour, or to persuade the two mighty crowns of Great Britain and France to declare that they would take his part. He desired the insertion of a special clause stipulating earnest representations by them at Vienna. And knowing, he said, that the king of England was prejudiced against him in these matters by his Hanoverian ministers, he would be glad if other views could be inspired by the mission of an honourable man of law to inquire into the chicanery practised and to make an impartial report.¹³

Townshend, in reply to Wallenrodt's representation of the above, set forth the great difficulties encountered in bringing the French government even so far. He pointed out that in return for a general guarantee of the king of Prussia's dominions the like would be required of him, so that he would not gain much. As an expedient, he undertook to endeavour to have inserted

¹² Instancing the cases of Baireuth, Anspach, Limburg, Tecklenburg, East Friesland, and Quedlinburg. St. Saphorin had lately written from Vienna: 'Les affaires entre cette Cour et celle de Prusse prennent un chemin à s'aigrir plus que jamais; outre que l'on veut icy tâcher, à quel prix que ce soit, de sortir les troupes de Prusse de l'Ost-Frise, tous les jours il y a de nouveaux mémoires présentés au Conseil Aulique contre le Roy de Prusse. Et comme ces mémoires sont donnés, soit par la noblesse, soit par les chapitres, ou par d'autres particuliers des pais cédés par la Paix de Westphalie, dont l'on se plaint qu'il viole tous les articles, le Conseil Aulique donne décrets sur décrets contre luy, ce qui le pique extrêmement.' He blamed the king: 'Ces principes du R. de Prusse ne vont pas à moins qu'à renverser toutes les constitutions de l'Empire, ce qui n'est l'intérêt de Sa Ma^{te} ni de celuy même du Roy de Prusse' (22 November and 9 December 1724, Record Office, Germany (Empire) 53). On the question of East Friesland fully in the dispatches of Dayrolle (with documents) and of Du Bourgay, January and February 1725, Record Office, Holland 285, Prussia 18. The latter was blamed for concerning himself with it, for on these matters of the empire George I was opposed to Frederick William.

¹³ Rescript to Wallenrodt, 9 January 1725, Staatsarchiv, Berlin.

a guarantee of the treaty of Charlottenburg. On the question of Juliers and Berg he was sure that France would not go further, for fear of Rome, but begged Wallenrodt to remember what had been said at Charlottenburg, namely, that her own interests would induce her to favour the Prussian aspirations. To omission of the treaty of London he agreed. As to the complaints against Austria, he argued that the whole treaty was designed to lower the emperor's arrogance; as soon as it was signed Prussia could be sure of very different treatment. England, he said, would gladly employ her good offices at Vienna, and France would relish any opportunity of annoying the imperial court, but he could not see how to justify a special article on the subject. These views were endorsed by George I at an audience which followed.¹⁴ After further negotiations ¹⁵ Newcastle wrote:

The Minister of Prussia acquainted the King the other day, that his Master was willing to conclude the treaty with England and France in the manner that was last proposed here, and had accordingly informed the Court of France of his desire to finish it as soon as possible.¹⁶

Such a conclusion was at least premature, for about the same time Ilgen at Berlin was penning for his master a strong indictment of the treaty. Referring to that of Charlottenburg—how it had come about, he said, his majesty knew best—he asked whether there had ever been cause to expect from it more than had been realized. Whether the alliance now proposed would prove advantageous, he went on, no one could really say, but the clear intention was to drag Prussia into the quadruple alliance. No real help was offered; the promises about Juliers and Berg were merely words, and the undertakings about Neuchâtel insufficient; the king would be binding his hands from profiting by offers which the house of Austria might make him on the emperor's death, namely, of the whole of Silesia or of part of it, to which he had the known pretensions. Concluding with an impassioned eulogy of his master's life-work, Ilgen observed that his power was so considerable and the state of his finances so sound, that he could well maintain himself, without putting on by onerous alliances fetters which must make him serve the interests of other powers rather than his own. In fine, he would do well to reject the proposed alliance, which could easily be done without offence.¹⁷

Roused by this, Frederick William declaimed to Wallenrodt about the king of England's want of sympathy with and even opposition to his contestations in the empire, and about the little advantage resulting from the treaty of Charlottenburg. If, he

¹⁴ Wallenrodt, 23 January, *ibid.*

¹⁵ See the correspondence of Newcastle with H. Walpole, British Museum, Add. MS. 32742.

¹⁶ 8 February (o.s.), *ibid.*

¹⁷ Ilgen to Frederick William I, 13 February, Staatsarchiv, Berlin.

asked, such was his treatment by a blood relation, what could he expect from France? That crown would have from the new alliance considerable advantage against Austria, but himself nothing but empty words and chimerical promises. In another rescript he detailed a list of his requirements, which differed but little from those submitted in January.¹⁸

But the only concessions made were the omission of the treaty of London, a stronger phrasing in regard to mutual support, and the halving of the king of Prussia's military obligation, this with a sneer at so great a prince being content to furnish fewer troops than his allies. His main contentions were scouted; it was insisted that his interests were completely protected by the provisions of the treaty as drawn.¹⁹ Sending to Broglie copies of Wallenrodt's memorial and of the reply, Newcastle wrote:

Vous verrez combien mal fondées les objections du Roy de Prusse ont paru au Roy. . . . Les changemens que le Roy de Prusse demand présente-ment étant si extraordinaires et si inusités, et le projet dont il a été convenu entre l'Angleterre et la France ayant pourvu à tout ce que ce prince peut raisonablement désirer, le Roy ne doute pas qu'en cas que les deux Cou-ronnes tiennent ferme S.M.P. se contentera de ce qu'on a déjà proposé.²⁰

In spite of the new situation created in these first days of March the attitude adopted was maintained; further representations by Frederick William were coolly met or left unanswered. He on his part stood firm, as he was justified in doing, and finally instructed his envoy to say no more on the matter unless again approached, expressing the opinion that the agreement between Austria and Spain would soon bring other ideas to birth both in England and in France.²¹

A dominant interest with Frederick William, which on the one hand drew him towards George I and on the other inflamed his animosity against Austria and Saxony, was the cause of the protestants in the empire and Poland.²² In Germany there had been of late a cessation of attack and reprisal, but in Poland the relentless advance of the catholics threatened complete extinction of the reformed churches. At Thorn, for instance, only one church and the school remained to serve the needs of a population

¹⁸ Rescript to Wallenrodt, 17 February, with a French translation of the latter for Rottembourg's use, Staatsarchiv, Berlin; copies of this translation, Record Office, Foreign Ministers 46, Foreign Entry Book 253.

¹⁹ Townshend's reply to Wallenrodt, 22 February (o.s.), Record Office, Foreign Ministers 46, Foreign Entry Book 253; Newcastle to H. Walpole, same date, British Museum, Add. MS. 32742.

²⁰ Newcastle to Broglie, 28 February (o.s.), Record Office, Foreign Ministers 4, draft.

²¹ Rescript of 19 May, Staatsarchiv, Berlin.

²² Compare my *George I and the Northern War*, especially cc. xxvii, xxviii.

mainly protestant. There in July 1724 tumults occurred, in the course of which the college of the Jesuits was stormed and sacked. Troops were thereupon sent to occupy the town; a commission of inquiry was appointed under the authority of the diet; on its report the magistrates were condemned unheard, and on 7 December nine of the principal burghers were sent to the scaffold.²³

George I had long seconded the efforts of Frederick William in favour of the Polish protestants. But Augustus II was obdurate; he could not, in fact, venture to oppose the catholic clergy. To a letter of expostulation sent by George early in the year²⁴ he had retorted that the protestants were sufficiently protected under the laws and customs of the country, and that it would be well if the catholics in England could enjoy a like security.²⁵ In the opinion of James Scott, formerly accredited to him as envoy, there were only two remedies, either to persuade the tsar to interfere, as he had done with effect in the case of the Greek catholics, or to get an article in favour of the 'dissidents' inserted in the treaty still to be made between Sweden and Poland, which could be guaranteed by other powers. Otherwise, he thought, the protestants would be exterminated.²⁶

So soon as the sentence against Thorn was known, Frederick William renewed his remonstrances by a strong letter to Augustus and appealed to the guarantors of the treaty of Oliva;²⁷ Frederick IV of Denmark followed suit;²⁸ George I indited another letter.²⁹ But before this could be sent came the news of the massacre. Thereupon a veritable storm of indignation broke forth. Frederick William remonstrated afresh, and appealed to Louis XV and to the tsar;³⁰ George I endeavoured to rouse the protestant fervour of the Swedes;³¹ and at the same time

²³ The decree, Dumont, VIII. ii. 89-95; 'Acta Thorunensia in Executione Decreti,' pp. 97-103. Contemporary accounts are in *Lettres Historiques*, lxvi, lxvii, where it is stated (lxvii. 19) that the date of execution was advanced by a week, 'de peur que les puissantes intercessions des Rois intéressés au maintien des Protestans de Pologne ne fissent apporter quelque adoucissement.'

²⁴ 24 January (o.s.) 1724, Record Office, Poland 29 and King's Letters 46, copies.

²⁵ 22 April, copies *ibid.*, the original Royal Letters 41.

²⁶ 29 February, Record Office, Prussia 17.

²⁷ Droysen, *Geschichte der preussischen Politik*, iv. ii. 362; translation of the letter, dated 18 November, *Lettres Historiques*, lxvii. 56.

²⁸ 23 December, Record Office, Denmark 48, a copy (in German) forwarded by Glenorchy on 13 January 1725. See thereon, and on the zeal of Frederick IV in the protestant cause, Holm, *Danmark-Norges Historie* (1720-1814), i. 106-8.

²⁹ 15 December (o.s.) 1724, Record Office, Royal Letters 41 (original), Poland 29 and King's Letters 46 (copies).

³⁰ All three letters of date 9 January 1725; copies of the two former, Record Office, Prussia 105 and Poland 116; for the last, Mardefeld from St. Petersburg, 23 January, Staatsarchiv, Berlin. His representation, he reported, was taken *ad referendum*, but he did not doubt of its good effect.

³¹ Townshend to Poyntz, 22 January (o.s.), Record Office, Sweden 36.

Frederick of Sweden appealed to him, to Louis XV, and to the emperor,³² as previously to the States-General.³³ Also George substituted for his previous letter to Augustus another in much stronger terms, and appointed a special envoy to carry it to Dresden, Edward Finch, who in the previous May had been ordered to Ratisbon to support the protestant cause in Germany.³⁴ In his covering dispatch Townshend wrote of 'the affair of Thorn which surprised all Europe with its unheard-of cruelty', and of the king's resolve

to exert himself in the most serious and earnest manner in order to procure redress and reparation to that injured Town and all its Protestant inhabitants. . . . The King would have you let the King and Ministers of Poland know, that not only his Majesty is moved, but the whole Nation is provoked and ready to break out into the utmost indignation on account of that bloody, unjust and unheard of decree against the Town of Thorn.

And in view of 'this inhuman sacrifice to the Papists' he had determined to make good the guarantee of the treaty of Oliva given by Charles II, and in concert with the king of Prussia and other protestant powers, guarantors of that treaty, to enter upon reprisals, if obliged, upon the catholics in his dominions. 'And in these resolutions there is no doubt but the Parliament here will heartily and unanimously concur.'³⁵

Finch did not fail to use high words, but unsupported by arms they had no effect. He was met by assertions that Augustus, as elector of Saxony, had nothing to do with the matter, and as king of Poland could not interfere with lawful action by the diet.³⁶ He was referred to Prince Czartorinski, vice-chancellor of Lithuania, then at Dresden, and to the authorities at Warsaw. Moreover, the reply to George's letter, given him, was stiff and evasive.³⁷ Count Flemming, he says, advised him 'to talk high and threaten hard, and then when we had an army on foot and a fleet under sail, the Poles would believe us in earnest, and think

³² All three of 26 January (o.s.), and printed in the *Lettres Historiques*, lxxvii. 287-93, 390-6; the first and second (a copy), Record Office, Royal Letters 56.

³³ Dayrolle, 26 January and 6 March, Record Office, Holland 285. The Dutch ministers, he reported, did not see their way to interfere, and Pensionary Hoornebeck could not find that the States-General had guaranteed the treaty of Oliva.

³⁴ Credentials to Ratisbon, and instructions, 2 May (o.s.) 1724, Record Office, King's Letters 19; to the king of Poland, 15 January (o.s.) 1725, Royal Letters 41, King's Letters 46, Poland 29. He was a brother of William Finch, lately envoy to Sweden and now at the Hague.

³⁵ 15 January (o.s.), Record Office, King's Letters 46, Foreign Entry Book 212, Poland 29.

³⁶ If the diet had been broken up, says Finch, 'the King would not have been obliged to sign the Constitution by which he occasion'd the Execution, tho' without signing the sentence, for that brought the affair to the Diet, instead of referring it to the Commission which the Town of Thorn had desired.'

³⁷ 18 February, Record Office, Royal Letters 41 (original), Poland 29 (copy). Frederick William I fared no better (cf. Droysen, p. 362).

of the matter'. But he suspected Flemming of aiming to strengthen his own position against the enmity of the electoral prince by creating an excuse for the entry of Saxon troops into Poland, which he would command. The emperor, Finch learnt, had endeavoured to stop the execution at Thorn, but his envoy had not presented the letter, and so was in disgrace; yet the court of Vienna was in pain, not for the fact, but for its consequences. Although the king of Prussia might act, the Poles were in fear neither of him nor of Denmark nor England. All turned on what the tsar might do; if he declared against them, they would grant everything, otherwise nothing.³⁸

That Peter the Great would interfere in Poland was the general expectation.³⁹ But when Finch wrote the above he was no longer among the living. He had died on 8 February without appointing a successor, in spite of his own edict of February 1722. In his last moments he succeeded in writing the words *odajte vse*, 'hand over everything,' but to whom, he could not make intelligible.⁴⁰

The momentous news of the great tsar's death roused varying emotions. The hearts of the Poles and of their king were hardened. Indecent manifestations of joy at Copenhagen⁴¹ contrasted with the deepest dejection at Berlin.⁴² At Stockholm the Holstein party was cast down and the king's few friends began to raise their heads. The despondency, however, of the former regarded the duke's prospects against Denmark rather than in Sweden; his envoy, 'in a deep melancholy,' says Poyntz, thought his chance of succession there to be increased, but his hopes of recovering Sleswick to be destroyed.⁴³ At Paris and Vienna feelings were mixed; at the latter court there was satisfaction at the unlikelihood now of Russian interference in Poland, but regret on account of Peter's hostility towards England and Denmark and particularly because, while he lived, nothing need be apprehended on the side of Turkey.⁴⁴ Generally it was believed

³⁸ Finch, 18 February, Record Office, Poland 29.

³⁹ Cf. Droysen, p. 363.

⁴⁰ Klyuchevsky, *Kurs russkoi istorii*, iv. 341 (lecture 70); Waliszewski, *L'Héritage de Pierre le Grand*, p. 2. Bain, in *The Cambridge Modern History*, v. 548, erroneously translates the words 'forgive everything'.

⁴¹ See Solov'ev, *Istoria Rossii*, book xix, ch. i, and Holm, i. 133. The Danes had refused overtures from the Russian court, and were not content with the assurances of George I. They were making ready for defence, and from that expense now saw themselves relieved. Cf. Glenorchy's dispatches, 9 January to 27 February, Record Office, Denmark 48.

⁴² Du Bourgay wrote of the king of Prussia's grief and embarrassment, and on 3 March, 'The Czar's death has caused great alterations in the schemes and measures of all northern Powers, especially in his Prussian Majesty; who now talks of engagements with France, and how much he might depend on their alliance' (Record Office, Prussia 18).

⁴³ 17 February (o.s.), Record Office, Sweden 36.

⁴⁴ St. Saphorin, 17 March, &c., Record Office, Germany (Empire) 54.

that a revolution would ensue in Russia, that the old Muscovite nobility would regain power, and that Peter's life-work would be summarily undone. Although it was known in a few days that his widow had been placed upon the throne as Catherine I, it was not thought that she could maintain her position.

To George I and his advisers this expectation of reaction in Russia was not disagreeable; the principal feeling in London seems to have been relief at the removal of Peter's powerful personality. But the prospect of a free hand in the north was clouded by advices received about the same time of underhand doings at Vienna. St. Saphorin reported on 18 February the discovery that a certain Dutchman, supposed to be the queen of Spain's confidant, the Baron de Ripperdà, had for some time past been holding secret nocturnal conferences with Count Zinzendorff.⁴⁵ No great importance was attached to the news at first, although indications of a change in the relations between Austria and Spain had not escaped French observation, at least.⁴⁶ Overtures for a marriage or marriages between Austrian arch-duchesses and Spanish infantes reported during the winter were believed by St. Saphorin to emanate from Rome rather than from Madrid and did not alarm him,⁴⁷ and Newcastle wrote that, while the reports seemed 'pretty extraordinary', the king gave little attention to them.⁴⁸ At Paris, Horatio Walpole replied, nothing was thought to be on foot; 'by all accounts from Madrid it appeared that the King of Spain was rather more inveterate than ever against the Emperor.'⁴⁹ Even at the end of March, Townshend doubted whether the man was really Ripperdà—rather, he thought, an agent sent from Rome with the cognizance of Spain—and argued the impossibility of an alliance between Spain and Austria. Even if so strange a thing did take place, he said, the king, allied with France, felt no alarm, 'il est fort en repos, soit que cette intrigue réussisse, ou qu'elle échoue.'⁵⁰

⁴⁵ St. Saphorin had the information from Hermann Petkum, formerly for many years the duke of Holstein-Gottorp's minister at the Hague and London, and now a kind of diplomatic hanger-on, touting for employment at Vienna. He could not identify the Dutchman as Ripperdà, not having been able to get sight of him, but the description of his person tallied, he said. Yet the Dutch minister at Vienna, Hamel Bruininks, according to an extract from a dispatch of his to his colleague at Madrid enclosed by Colonel Stanhope on 12 March (British Museum, Add. MS. 32742, f. 286), knew that the man was Ripperdà already on 10 February, and believed him to have been at Vienna for some ten or twelve days. He gives Ripperdà's assumed name correctly as Pfaffenberg.

⁴⁶ See Dureng, pp. 243, 276.

⁴⁷ See his dispatches from 27 December 1724, Record Office, Germany (Empire) 53, 54.

⁴⁸ To H. Walpole, 4 February (o.s.) 1725, British Museum, Add. MS. 32742.

⁴⁹ 24 February, *ibid.*

⁵⁰ To St. Saphorin, 16 March (o.s.), Record Office, Germany (Empire) 54. Townshend surmised the emperor's object to be to tempt Spain to break with England and

But other news, in this case from Paris, was of an alarming character. Horatio Walpole had received from Fleury in February hints of the intention of the French government to send back to Spain the little infanta living in France as the future bride of Louis XV, and on 7 March he confirmed the advice. On the 10th Broglie communicated the resolution formally and asked, or rather suggested for his master, the hand of George's grand-daughter, the Princess Anne.⁵¹ This momentous step had been in contemplation for some time, for the infanta would not be of marriageable age for some years and the necessity of providing France with a direct heir as soon as possible was universally admitted.⁵² The council had, in fact, decided upon it four months before,⁵³ but execution was put off until the dangerous illness⁵⁴ of Louis XV in February sharply brought home to Bourbon his own danger, should the young king die and the crown pass to his hated rival, the duke of Orleans. He 'was struck all of a heap', says Walpole, 'having made no provision for his own support and security.'⁵⁵ Against this domestic peril considerations of injury to the policy of the quadruple alliance could not weigh. But what that injury would be was fully recognized in London; a rupture between France and Spain meant ruin to the southern policy of George I.

Yet in another way he gained. Valuable as was the British alliance to France, it only now became indispensable. Other factors in the political calculations of Dubois and his disciple Morville were the treaties in existence with Spain and in prospect with Russia; in fact, England hitherto had had more need of France than France of England. The rupture with Spain left France with only England to depend upon. Considering how great was the influence of George I at Paris already, it is not

France, and so to dissolve the congress of Cambray and evade execution of his engagements under the quadruple alliance in regard to Italy.

⁵¹ See on this subject fully in the dispatches of Newcastle to H. Walpole of 1 to 11 March (o.s.), British Museum, Add. MS. 32742; also Coxe, *Memoirs of Horatio, Lord Walpole*, pp. 88-95, Basil Williams, *ante*, xv. 492, and especially Dureng, pp. 246-9. The proposal for the Princess Anne was at once and decisively declined by George I on grounds of religion both personal and national. Yet that the match was arranged was the universally accepted report; it spread, says Walpole, through Paris like wild-fire; and it raised commotion at Berlin, where Anne was looked upon as promised to Crown-Prince Frederick (H. Walpole, 7 to 17 March, *ibid.*; Du Bourgay, 27 March, Record Office, Prussia 18). Wallenrodt advised his master that the marriage was impossible on the ground of religion, 'welche des Königes bester Buclier ist.' He prayed him not to listen to such idle talk, but to trust his own envoy (20 March and 10 April, Staatsarchiv, Berlin).

⁵² See Dureng, pp. 236 ff.

⁵³ On 29 October 1724.

⁵⁴ Ascribed by H. Walpole, describing Louis XV's gluttonous habits, to a surfeit of chocolates (24 February, *l. c.*).

⁵⁵ See on the subject H. Walpole's dispatches of 7, 10, and 13 March, *l. c.*, the two latter printed by Dureng, pp. 496 ff.

surprising that he now attained the position almost of a dictator.⁵⁶

Such were the circumstances which suggested to George I a new scheme of foreign policy, set forth for the benefit of the French government in a dispatch which it seems best to quote in full.⁵⁷ It will be seen that only a league with the northern powers and Hesse-Cassel, closely connected with Sweden, was contemplated against Austria and Spain at present. The adhesion, or at least the benevolence, of the States-General seems to have been taken for granted, Prussia was to be left to follow, and the idea of including catholic powers, in the first place Bavaria and Savoy, came later. The importance attached to gaining Sweden first, in spite of her decadence, was no doubt due to the perception that without her nothing could be successfully attempted against the peace of the north, whether by Austria or Russia. The references to Poland show that the danger of resorting to force there was already appreciated. The dispatch ran as follows :

In pursuing the orders contained in my other letter,⁵⁸ you should take particular care to assure *Mor. le Duc*, and the Ministers where you are, of His Majesty's earnest desire to act in the most perfect friendship and concert, with relation to the several great events, which have either lately happened, or may soon come to pass ; and as an instance of His Majesty's firm resolution to act in this manner, I am commanded to suggest to you some thoughts that have occurred to His Majesty with relation to the present situation of affairs both in the North and South.

Though His Majesty has received several accounts of late as well from Vienna as from other parts, that there was a private negociation carrying on between the Emperor and the King of Spain for marrying the Prince of Asturias to one of the Arch-Dutchesses, yet as it was not easy to apprehend what view either party could have in it, and considering the long and settled enmity there has been between these two Powers, there has hitherto very little or no credit been given to this report. But as by *Mor. de St. Saphorin's* letter it seems to have more foundation than was formerly imagined, His Majesty thinks it cannot have been brought about but by the means of the Queen of Spain, she having the sole interest with the King, and how she and her family will find their account in it is pretty hard to conjecture.

Then, after suggesting possible reasons for her supposed conduct,

whatever may have been the motives for it, if there should appear to be any truth in this report, or if the step that will soon be taken in France,

⁵⁶ Cf. *Dureng*, pp. 171, 234-6, 273, 298-9. Wallenrodt wrote that the 'genuine Harmonie' between England and France was now such, that not a single letter was drawn up which was not concerted between them, and their union was much stronger than in the time of the late duke of Orleans (27 April, *Staatsarchiv*, Berlin).

⁵⁷ Newcastle to H. Walpole, 1 March (o.s.), British Museum, Add. MS. 32742.

⁵⁸ Concerning Broglie's communication and proposal.

should induce the Court of Spain to think of such a measure, it would not be improper that in all events, the Courts of England and France should be prepared to obviate any ill consequences that may possibly arise from such an Union.

The Congress of Cambray will indeed be immediately broke up, but the reconciliation between the Emperor and Spain, being the chief thing that was to be transacted there, if those two powers have found means without the interposition of the Mediators, to reconcile themselves, the breaking up of the Congress will be no great misfortune.

It is not to be imagined that the Emperor, let him take what measures he will with Spain, will think of attacking the two Crowns at present; he will certainly rather at first content himself with the advantage he will have got by having gained Spain from us, and having put that Crown in a great degree of subjection to him, from whose interposition and influence with the two Crowns at Cambray, as he had reason to fear, a great blow would have been given to his power in Italy. He will make use of the credit this success with Spain will give him to fortify himself and prepare for greater schemes, by endeavouring to gain what interest and alliances he can among the other Powers of Europe, and defeating as far as he can our entring into measures with any of them; and in the first place he will thwart and disturb the views and designs of those Princes of the Empire, and of the North, who have not run into every measure that he may have thought fit to propose, and in order to chagrin us in particular, he may encourage Spain to put difficulties upon our Trade. But none of these things will be attended with the least success, if those two Powers see that England and France have been so far beforehand with them, as to have taken such wise measures as may effectually secure the peace and tranquillity both of the North and South.

The chief powers with which the Emperor will certainly try to avail himself are Muscovy, Prussia, Sweden, Denmark, and Poland.

His Majesty is of opinion that the death of the Czar has given a very good opportunity of securing the several powers in the North to the interest of England and France, by offering them that protection from the two Crowns, which will not only be very necessary for them, but, in great probability, be very much desired by them.

The King was very glad to find by your Excy's letter, that orders have been sent to Mr. Campredon not to renew his instances concerning the reconciliation depending at Petersburg, but to wait to see what turn things took there, and how far the Czarina would be able to support herself; which was a very wise step, considering the uncertainty things are in there at present.

What your Excy says with relation to the concluding of the treaty with the King of Prussia, and the making that serve as a foundation for bringing in the other Powers of the North, would indeed be very desirable, if there was any hopes that he would comply in time with what has been proposed to him by the Court of France, but considering that Prince's constant desire upon every new bargain, of getting still better terms for himself, and the new objections that he is every day making to the treaty as proposed by France, . . . His Majesty thinks it might be of ill consequence to await

the issue of that treaty, which may perhaps be long depending, when if the Court of France will be steady to the terms they first proposed to Prussia, and will joyn with His Majesty in taking such measures at the several Courts, as may be necessary for securing the tranquillity of the North, it is not to be imagined but the King of Prussia will then comply.

The first and most necessary step to be taken in this affair, in His Majesty's opinion, is the sending a Minister from France immediately to Stockholm,⁵⁹ and this the King would have you represent in the strongest manner to Mo^r. le Duc, and Mo^r. de Morville. If there was an able and honest Minister on the part of France in Sweden, to act in perfect concert with Mr. Poyntz there in the present uncertain situation of affairs in that country, it is easy to imagine what effect their joyn't representations might have.

The new spirit that the friends of the present King, and the Patriots, as they are called, must have taken from the death of the Czar, as well as the dejected condition that the Muscovite and Holstein party must be in upon that account, would certainly make it very practicable for England and France to enter into measures for the King of Sweden's support, without running into any engagements which might give any just offence to the Duke of Holstein, so as to make him think himself desperate with the two Crowns.

You will have seen by Mr. Poyntz's letters to My Lord Townshend, by what means the Czar has been able to gain such an influence over that Country, and if they could now see that they may depend upon England and France for support against any attempt that may be made upon them by the Muscovite faction, it is more than probable that that country might yet be retrieved and preserved from ruin, and put into a condition not only of being serviceable to themselves, but to the two Crowns. Your Ex^{cy} knows they have a great number of very good troops, which, if that Government were not in the weak state it is in at present, would be a great terrour to any power that would attempt to disturb the peace in those parts of the world.

The gaining and supporting of the King of Sweden must be followed by detaching the Landgrave of Hesse from that servile submission he has of late paid to the Court of Vienna; and nothing would be so great a mortification to the Emperor, and a hindrance to any views he might have in the North, as to see the King of Sweden supported in this manner, there being great reason to think that the Duke of Holstein's Party has been long favoured by the Court of Vienna, of which the inclosed extract of Mo^r. de St. Saphorin's letter to My Lord Townshend gives a remarkable instance, and that particularly from the regard and affection that Count

⁵⁹ This had long been urged without effect. At present France had only an unaccredited agent at Stockholm, Anthouard, an adjutant-general in the Swedish service, who is the subject of frequent and severe invective by the English diplomatists, not only as wholly devoted to the Holstein party but also as of low condition and bad character, which may simply mean that he opposed them. Count Wrangel, in his *Liste des Diplomates français en Suède, 1541-1891* (p. 48 n.), names him Pierre d'Anthouard, Seigneur d'Archambaut, and says that he was in the service of Charles XII for sixteen years, and aide-de-camp to him and a writer of dispatches from Poland to the French government and to the Marquis de Bonac since 1704. Also that he left Sweden in November 1725, and was soon made a *mestre-de-camp* in the French army.

Sinzendorf is known to have for that Prince and his interest, from whom he already receives, and does further expect very considerable advantages.⁶⁰

If the French had a Minister at Stockholm, he would also be able to inform them of the views and designs of the Duke of Holstein by means of his faction there, and in some measure of what passes at Petersburg, from whence we might have great light to see in what manner it would be adviseable for the two Crowns to conduct themselves with relation to the affairs of the North. At present they can have no intelligence but from Mo^r. Campredon, whose behaviour has been all along such as has given the greatest dissatisfaction to the King, and in the present critical situation of affairs, he cannot be depended upon, even by his own Court.

There would be little difficulty to bring the Court of Denmark into whatever measures should be proposed by the two Crowns; and then there would be but one thing more necessary to compleat the influence of England and France in those parts, which would be to prevent the views that the Emperor may have upon the succession to the Crown of Poland, and His Majesty thinks that France has a very good opportunity at present to contribute very much to this end. The affair of Thorn would give a good handle for the French to send a minister to Dresden, who might have orders to act in concert with Mr. Finch, in pursuance of the treaty of Oliva, of which France is a guarantee.

Such a step as this would hinder the King of Prussia, when he sees that England and France have the conduct of this affair, from entring into any extravagant measures upon this account, and would prevent the danger that your Ex^{cy} apprehends there might be of flinging the Poles who are Roman Catholicks, into the hands of the Emperor. On the contrary France would have an opportunity of insinuating to them how desirous she is to maintain them in their rights and libertys and support them in the freedom of their election to their Crown. The Poles can never suspect that France can have any view against the Roman Catholick religion, and such of them as have been formerly in the interest of the Czar, would be glad to have the countenance and support of a French Minister; and His Majesty, by the part that he has taken in the affair of Thorn, would gain such a credit among the Protestants in that country, as would bring them entirely into the views of the two Crowns.

Such a management as this would give the two Crowns, even at present, a great influence in Poland, and being rightly improved, would put them in a condition hereafter effectually to defeat any views with relation to the succession, which should not be agreeable to them.⁶¹

Your Ex^{cy} may easily shew Mo^r. de Morville that the protestant religion would be by this no further supported than the French are obliged to it by

⁶⁰ Zinzendorff's mother, by her second marriage Countess Rabutin, and lately deceased, was a Holstein princess in receipt of a considerable pension from the duke. St. Saphorin in his dispatches of 28 October and 1 November 1724 says that it amounted to 6,000 florins, and that Zinzendorff had a 'prédilection extraordinaire' for the duke and expected the reversion of the pension (Record Office, Germany (Empire) 53).

⁶¹ An additional reason for French interference in the affair of Thorn, previously brought forward by Newcastle (4 February, o.s.), was that it would oblige the protestant princes of Germany, 'the being well with whom has always been thought the interest of France.'

the treaty of Oliva, and that such a measure would give the French a handle to secure that which France has most at heart, which is the preventing the Prince of Saxony's succeeding to that Crown. The very sending of a Minister on the part of France to Dresden, to act in concert with Mr. Finch, would be sufficient to engage the King of Prussia, to comply with every thing that can be desired of him, and if these several Powers could be united together, in the manner before mentioned, there would be little reason to apprehend any turn that might be taken in the affairs at Petersburg.

As to the reconciliation at the place last mentioned, His Majesty is willing to go on with it or not, just as the Court of France shall desire.

Before Horatio Walpole could transmit the reply of the French government to the above it was known that the rule of Catherine I was really established in Russia. It is unnecessary to describe here how Peter the Great's men, Menshikov, Tolstoi, Osterman, the men of energy and brains who saw themselves faced by Siberia or the scaffold, opened the treasury to win the Guards and forced the Golitsuins, the Dolgorukys, and the rest to acquiesce in placing on the throne the strangest of all candidates.⁶² They were strong enough to keep her there. Campredon in his dispatches of February painted her prospects in glowing colours. She had gained all, he said, by her new policy of clemency: 'elle joint à un courage mâle toutes les lumières nécessaires à une souveraine;' she was obeyed as the late tsar was; the nobles were standing by her, fearing for their possessions; there was no one of sufficient weight to head an opposing faction; the clergy were flattered; and in any case she had the army and the fleet and held the Baltic provinces.⁶³ This was not all true, but it impressed.

Outside Russia those who had mourned for Peter's death were elated, and those who had hoped for the downfall of his stately edifice and for liberation from the Russian menace were again depressed. Chief among the latter were the Poles and their king, the Danes, and the royal party in Sweden. At Copenhagen, says Glenorchy, the event had 'quite dissipated the joy which the news of the Czar's death occasion'd here, and they begin already to be under greater apprehensions than ever', intending, however, 'to lye by' and see what would happen, taking consolation from the thought that no expedition could be attempted against them this summer, and flattering themselves that Catherine would rather assist her prospective son-in-law 'in his

⁶² See in English Nisbet Bain, *The Pupils of Peter the Great*, ch. iii, and among other works, besides the Russian historians, Waliszewski, *L'Héritage de Pierre le Grand*, ch. i. Campredon's and Mardefeld's accounts are printed in the *Sbornik* of the Imperial Russian Historical Society, vols. lii, xv.

⁶³ Campredon, 13 and 17 February, *Sbornik*, vol. lviii. It may be noted that couriers took about a month, as a rule, to pass between St. Petersburg and Paris.

pretensions to the crown of Sweden, with the view of having a support from thence, or at least a sure retreat in case of necessity'.⁶⁴ A like expectation prevailed at Stockholm, though it was not consoling to the king's friends there; yet they drew hope from the fact that it seemed also to alarm certain of the senators opposed to him.⁶⁵

On the other hand, the Holsteiners in Sweden and the court of Berlin were jubilant at Catherine's success.⁶⁶ From the latter Du Bourgay reported:

His Majesty's daily discourses turn on the future advantages which he shall receive by her friendship and alliance, and is even so sanguine as to affirm that the Czarina will support her self her friends and allies with greater dignity than the late Czar did. The King believes that the present differences about religious affairs offer him a fair opportunity to enter into alliances that may help to redress those grievances and at the same time assist him in his own private views and designs.⁶⁷

Frederick William offered his support to Catherine against Austrian and Polish intrigues, and expressed his pleasure at her resolve to carry on the negotiation for alliance with England and France, to which he himself was fully inclined to accede.⁶⁸

Against Austria the balance was adverse. The excluded heir, Peter son of Alexis, was the empress's nephew, and Russia under the rule of his adherents might have been expected to seek support from Vienna rather than from Paris or Berlin, and not to stand in the way of Austrian ambitions. Campredon expressed the thought of the moment when he wrote, immediately on Catherine's usurpation: 'Cet évènement va aliéner pour longtemps la cour de Vienne de celle-ci, qui n'a point de parti solide à prendre qu'une alliance étroite avec le roi; je sais, que c'est le sentiment de la nouvelle souveraine.'⁶⁹

⁶⁴ Glenorchy, 3 and 10 March, Record Office, Denmark 48.

⁶⁵ Poyntz, 24 February (o.s.), private and in cipher, Record Office, Sweden 36, and further 3 and 10 March (o.s.). The opportunity was taken to press upon him afresh the propriety of financial aid from Great Britain and France, and he heard 'wild notions and extravagant reasonings', as Townshend termed them, on subjects such as the recovery of Livonia. Though impressed himself, he could make no reply, having been again quite recently informed by Townshend that neither King Frederick nor his henchman, General Diemar (the Hessian envoy), were to be trusted with money, 'having neither credit, firmness, resolution nor any other abilities requisite to conduct or carry on any concert for their own or the Kingdom's safety' (5 February (o.s.), *ibid.*).

⁶⁶ For the former compare Poyntz and Jackson, 24 February (o.s.), *ll. cc.*, and Stavenow, *Sveriges historia intill tjugonde seklet*, vii. 59. Mardefeld wrote in his relief, 'Der Höchste hat durch seine wunderthätige Hand auch das Ohnmögliche möglich gemacht' (10 February, Staatsarchiv, Berlin, *Sbornik*, xv. 251)

⁶⁷ 24 March, Record Office, Prussia 18.

⁶⁸ Rescript to Mardefeld, 10 March, Staatsarchiv, Berlin (*Sbornik*, xv. 265-6). Cf. Droysen, iv. ii. 365; Ranke, *Zwölf Bücher preussischer Geschichte*, iii. 33.

⁶⁹ 10 February, *Sbornik*, lii. 444.

Having furnished Morville with a translation of such parts of Newcastle's dispatch as he thought proper, Walpole was able to report how pleased the French were 'with the solidity of His Majesty's sentiments' on the measures to be concerted. The necessity of preparation against a possible alliance between Austria and Spain and the unwisdom of waiting upon the uncertain disposition of the king of Prussia were admitted. But Walpole noticed a desire to reopen the suspended negotiation with Russia, now that the tsaritsa's power appeared to be established and her inclinations to be friendly, for although the duke of Holstein-Gottorp's interests might stand in the way, it was thought important to prevent her from making advances to the emperor, and that engagements with her would not hinder measures proper to be taken in regard to other powers of the north. England and France, said Morville, ought to be neither too cool towards her, nor so forward as to have their hands tied. He noticed that, differently from the late tsar, she expressed a desire for the friendship of England as well as of France, 'without any reserve,' and though he said that money could be found for the king of Sweden, if the course of affairs required it, Walpole could not but conclude 'that their thoughts at present seem more favourable to Muscovy than Sweden'. Ministers, he said, were promised for the northern courts and for Dresden at once, as desired, but they were not yet designated.⁷⁰

Newcastle in reply pressed earnestly for immediate and vigorous action on the part of France in concert with Great Britain. Seeing, he said, that

Mor. le Duc must be sensible that the step he has taken cannot fail of making, at present at least, some disturbance, and disposing the several Powers of Europe to turn it, if possible, to their own advantage, it seems amazing that the Court of France should so long delay sending their Ministers to those Courts, which are so absolutely necessary to be secured to their interests.

The private letter from Poyntz, he went on, which he enclosed, showed 'the weak, uncertain and corrupt condition of Sweden, and how little able they are to direct themselves', and the necessity therefore of guidance by responsible ministers of Great Britain and France. Such action, so far from prejudicing the

⁷⁰ H. Walpole, 24 March, British Museum, Add. MS. 32742. He was now in close touch with secretary Pecquet, 'upon whose opinion', he said (16 March), 'the conduct of foreign affairs principally turns, and whom I have always perceived the most difficult and cool' upon the point of sending the ministers. This man had borne an important part in the negotiations for the quadruple alliance in 1718, when Luke Schaub termed him 'bon François, mais au reste homme de beaucoup d'honneur et d'intégrité' (British Museum, Stowe MS. 231, f. 99; cf. Wiesener, *Le Régent, l'abbé Dubois, et les Anglais*, ii. 218). A copy of the dispatch of Craggs there cited is at the Record Office, Foreign Entry Book 29.

tsaritsa's present good disposition, would make both her and the duke of Holstein-Gottorp more eager for the friendship of the two powers, nor could anything so much conduce to the conclusion of the treaty with Prussia. As for Poland, additional reasons for sending a French minister to Dresden were the king of Poland's military preparations, his approaches to the tsaritsa, and

the notion that is universally spread of the entering into a religious war, and the design that undoubtedly there is of setting the Emperor at the head of the Roman Catholick faction in Poland. Your Ex^{cy} will easily see how entirely master the Emperor must be, both at present and hereafter of that Kingdom, if the Roman Catholicks are obliged to think that they owe their protection to him, or the Protestants that they must be always at his mercy.⁷¹

Having read this dispatch both to the duke of Bourbon and to Morville, Walpole reported 'upon each paragraph' their 'highest approbation'; they promised, he said, that the ministers for the north should be named in a few days. Yet, he concluded, attention now was wholly given to the affair of the infanta and to finding a wife for the king 'out of hand'.⁷² This was not enough. Again, in reply, Newcastle insisted that 'the chief thing to be done, and which will admit of no delay', was to send ministers to the northern courts. 'The present situation of affairs is such, that every day shows more and more the advantage that some powers may take of the indolence and inactivity of France upon this occasion;' witness the complaisance of the court of Poland in the affair of Thorn in order to secure the succession of the electoral prince of Saxony, the indiscretion of the king of Prussia with regard to the same, 'who seems only to have in view his own interest in it, . . . and lastly the divisions in Sweden.'⁷³

But nothing more than promises could be obtained at present. The cost of foreign embassies was of consequence, when the indebtedness of the state was so great and was constantly increasing.⁷⁴ Moreover, the French government was not at ease in regard to the aims of George I in the north, and was anxious to do nothing which might prejudice the negotiation with Russia. And generally, Bourbon and Morville were men who preferred to await upon developments rather than to venture on initiative. Fleury was different, but his time was not yet come.

Wherefore the only fresh appointment made was that of the duke of Richelieu, ambassador to the emperor. His instructions, of date 28 March,⁷⁵ illustrate French views on the general situation, while they reflect in their ambiguity the indecision consequent

⁷¹ Newcastle to H. Walpole, 16 March (o.s.), British Museum, Add. MS. 32742.

⁷² H. Walpole, 3 April, *ibid.*

⁷³ Newcastle to H. Walpole, 1 April (o.s.), *ibid.* 32743.

⁷⁴ Particulars in Dureng, pp. 257 ff.

⁷⁵ *Recueil des Instructions*, i. 200.

upon domestic dissension and incapable leadership.⁷⁶ Firstly, the policy of the triple and quadruple alliances was reviewed, and opposition to Austria was stated as its motive. One reason for sending Richelieu, though not the principal one, was the possible dissolution of the congress of Cambray; should that happen, it was said, the treaty of London, 'que Sa Majesté regarde comme la base et le fondement de la tranquillité publique,' would still remain in force, and he must combat contrary arguments by the Austrian ministers and use all possible means to prevent its contravention in any way. His attention was called (1) to Austrian suspicion of supposed endeavours to extend French influence in the empire, particularly by alliance with Prussia, (2) to the emperor's paramount interest in the Pragmatic Sanction, (3) to the disorganized state of his finances, which forbade a war, and (4) to the increased acerbity of religious strife and the embarrassment at Vienna consequent upon the very important affair of Thorn. In the foreign relations of Austria there was no chance of restoring the old system; the emperor was effectually separated from the king of England by his refusal to grant the investitures of Bremen and Verden and by the disputes on religion, and from Holland by the affairs

⁷⁶ On French politics and rivalries see H. Walpole's secret dispatch of 3 April, recounting a very long and intimate conversation with Fleury, and further Newcastle at much length, 1, 5, and 29 April (o.s.), and Walpole again, 27 April, British Museum, Add. MS. 32743. The incapacity of the duke of Bourbon's government is the subject of frequent scathing comment in Walpole's dispatches. For instance on 30 July (*ibid.*): they had 'no system of their own', and knew not 'which way to turn themselves, to prevent any troubles, nor how to put themselves into a condition to resist them, if they come; the weakness of the Administration and the sovereign contempt of it in all parts, not only among strangers, but among their own subjects, is incredible, and were it not that this Government is so entirely absolute, and that there is no body, either bold, or able enough to make the least motion, I should think it impossible to hold two months; but there is not the least danger of a change; His Most Christian Majesty is so ignorant and indolent; so averse to all business; and indeed to all pleasure, excepting that of going out a hunting by day, as it is called to kill some beasts; and of coming home, to play at cards all night; that he thinks of nothing else; leaves all to his Ministers; and being now acquainted with their faces, he would not easily be persuaded to change them. He is indeed a perfect child, and more than should be expected from his years, and the appearance of his person.' And again on 14 August (*ibid.* 32744): 'The ignorance and incapacity in business of Mo^r. le Duc and Count Morville, and in consequence thereof the irresolution and timidity of them in counsels and measures to be taken, is unaccountable, and altho' the Bishop [Fleury] is quick in his apprehension, clear and strong in his opinion, and is for vigorous measures in the execution of what is right, yet after he has once given his sentiments, he will not indeed depart from them, but yet he will not push them in opposition to others with that weight and resolution as to make them prevail, for fear of creating divisions in the ministry. To conclude, My Lord, I must do this Court the justice to say, that I am persuaded they have no thoughts of abandoning his Majesty's friendship, and they would look upon it as the greatest misfortune to have it in the least weakened, and this opinion goes so far, that it is the general voice of all the foreign ministers here, that France acts entirely by the influence and motions of England; but their weakness and want of courage is unaccountable.'

of the Ostend Company and the Barrier. The goodwill of Sweden he was doing his best to cultivate ; Denmark he attempted to hold in a kind of servitude ; and with the late tsar three methods had been tried, (1) to make alliance with him, (2) to secure the throne of Poland for the electoral prince of Saxony or some other on whom Austria could depend, (3) to foment war between Russia and Turkey. The greater the alarm that was shown at French alliances with Great Britain, Holland, and Prussia, the more necessary were they to be regarded. Of the first, in being, experience had shown the utility ; it and the treaty of London must be firmly upheld, and Richelieu must act in close concert with St. Saphorin. Even were the congress of Cambray dissolved, it might be set on foot again hereafter. In the troubles which a guarantee of the Pragmatic Sanction might bring neither Great Britain nor France were disposed to involve themselves. On the religious question the king favoured, of course, the catholics, but the emperor's action was really political and the worst possible for the welfare of catholicism in Germany ; Richelieu must give hereon only general assurances that France would hold to her guarantees of the treaties of Westphalia. As a guarantor of the treaty of Oliva she must employ her good offices on behalf of the protestants in Poland, but on this subject Richelieu must apply himself principally to obtaining information on which positive orders to him could be founded. Generally, he must limit himself at present 'à écouter beaucoup, à s'instruire et à se renfermer dans des discours généraux, tels qu'ils viennent de lui être prescrits'. In supplementary instructions Richelieu was informed that the emperor could hardly yield to Spain any considerable advantage, and probably was acting only with a view of detaching that power, and thereafter Great Britain and Holland, from France ; even were an agreement arrived at, he might be expected to throw it over so soon as that aim had been attained.

To alliance with Russia, if in strict accordance with the terms submitted, George I was well inclined. In deference to French wishes and in view of the friendly disposition of Catherine and her ministers reported by Campredon,⁷⁷ he assented to a resumption of the negotiations suspended at his request on receipt of the news of Peter the Great's death. In spite of the distrust of Campredon entertained⁷⁸ he agreed, so Newcastle wrote, to observe

⁷⁷ As in his dispatches of 13 to 24 February, *Sbornik*, vol. lviii.

⁷⁸ As repeatedly expressed in the English dispatches. It arose in great measure from what Poyntz heard and reported against his integrity, see his essay of 2 February (o.s.) on Swedish affairs, Record Office, Sweden 36. H. Walpole obtained from Pecquet the admission, he says, that Campredon had lately bought an estate in France, which he could not have afforded out of his salary (16 March, British Museum, Add. MS. 32742).

a friendly conduct towards Russia, was 'very ready to come into alliance with the Czarina, whenever they shall think it proper', on the terms already proposed, and would receive all advances from her in the best manner.⁷⁹ Arguments advanced by Horatio Walpole against undue precipitation in the matter⁸⁰ were met with the reply that it was thought proper 'that such a return should be made to the present good disposition she expresses as may prevent her having recourse to the Emperor and entering into views and measures contrary to those of the two Crowns'.⁸¹ And again on 1 April (o.s.) Newcastle wrote that the last accounts from St. Petersburg were very favourable to the tsaritsa, and that, if she held her own, alliance with her would be of great advantage, if only by bringing the duke of Holstein-Gottorp, 'who some time or other may be very considerable in those parts,' to submit himself to the views of the two crowns. Otherwise England and France might be 'the only powers who should stand out, and not accept that alliance', nay worse, the king of England, by the refusal being imputed to him, might be left alone to bear

the future resentment of Muscovy and Holstein, . . . whereas on the contrary the inducing the Duke of Holstein to enter into the same engagements, that the other Northern powers are under with us, would be no bad affair, whatever turn things may afterwards take in Muscovy.⁸²

Poyntz was informed that, whether or no the tsaritsa's rule proved lasting, it would always be well to have come to terms with Russia. For firstly, if she continued in power, it would be of consequence to have her friendship, or at least to have tied her hands from disturbing the peace of the north; secondly, 'if she miscarries and the power falls into hands able to carry on the government upon a scheme that may make them considerable to their neighbours, and to this part of the world,' those persons would probably discard the cause of the duke of Holstein-Gottorp and be glad of a British guarantee of the conquered provinces; and thirdly, were the 'ancient form of government and way of living' restored, 'we shall scarce ever hear of them any more, much less shall we be ever troubled with them.' In that case, if the proposed alliance did no good, neither could it do any harm.⁸³

At Dresden, meanwhile, Finch was making no progress, and the Prussian envoy, Baron von Bülow, who arrived on

⁷⁹ Newcastle to H. Walpole, 18 March (o.s.), British Museum, Add. MS. 32742.

⁸⁰ In gist, that it was 'morally impossible' for Catherine's rule to 'subsist many months without the utmost confusion and disorder', that the object of the proposed alliance had been to bind Peter the Great's 'aspiring and ambitious temper' and to prevent him from 'attempting to raise new disturbances', and that it would now only entangle Great Britain and be of no service (private postscript of 4 April, *ibid.*).

⁸¹ Newcastle to him, 25 March (o.s.), *ibid.*

⁸² Dispatch of 1 April (o.s.), cited.

⁸³ Townshend to Poyntz, 6 April (o.s.), Record Office, Sweden 36.

1 March to help him, was put off as he had been. Finch, indeed, suspected him of giving more attention to questions at issue between Prussia and Saxony than to the affair of Thorn. But in answer to his first report Bülow was ordered to support Finch therein with the utmost firmness and was informed of the tsaritsa's inclination to undertake effective measures.⁸⁴ As to this, Finch had news of offers by Catherine I to send 40,000 men into Poland to assist the protestant powers, were they forced to proceed to extremities, the half at their expense and half at her own;⁸⁵ Campredon at the end of March reported a large muster of Russian troops about Riga,⁸⁶ and Du Bourgay wrote in April that Catherine had intimated to the court of Berlin her readiness to enter into the most effectual measures for the relief of the Polish dissidents and to stand by the guarantee of the treaty of Warsaw of 1716, which forbade the entry of Saxon troops into Poland. Chief attention, he went on, was given to the matter, there was danger of a great war, British financial aid was greatly relied on, and it was plain that Russia and Prussia acting together could do what they would.⁸⁷

On the Prussian side Frederick William expressed to Mardefeld, his envoy at St. Petersburg, his readiness to respond to Catherine's overtures,⁸⁸ and to Wallenrodt his pleasure at hearing that George I maintained his good intentions in regard to Thorn and his readiness to enter without difficulty into all that should be thought suitable and necessary; the tsaritsa, he said, had declared to him that if the protestant powers would enter into a concert in the matter she was prepared to accede to it with all her heart.⁸⁹ Altogether, that intervention was preparing was the public talk. It was said at Ratisbon in April that the king of Prussia would send 24,000 men and the king of England 10,000, with further contingents from Hesse-Cassel, Sweden, and Denmark, and that the duke of Holstein-Gottorp was strongly pressing Catherine I to join. At Berlin was current a list of Prussian regiments appointed to assemble on the Polish frontier.

⁸⁴ Translation of instructions of 10 March sent by Finch on the 17th, Record Office, Poland 29. Cf. Droysen, iv. ii. 364.

⁸⁵ Finch, 13 March, Record Office, Poland 29. On the 24th he reported Prince Sergius Dolgoruky, sent to notify Peter the Great's death, to say that 30,000 Russians would be sent, and he expressed the fear that such a step might cause the diet of Poland to accept the alliance with Austria previously rejected.

⁸⁶ 31 March, *Sbornik*, vol. lviii.

⁸⁷ Du Bourgay, 10 and 18 April, Record Office, Prussia 18.

⁸⁸ Rescript to Mardefeld, 27 March, Staatsarchiv, Berlin; cf. Campredon, 31 March and 7 April, *Sbornik*, vol. lviii. Of the Prussian envoy's influence the Saxon Le Fort had written (10 February): 'Mardefeld est de leur souverain conseil, sans quoi rien ne se fait; il se promet aussi beaucoup de cette régence' (*Sbornik*, iii. 401).

⁸⁹ Instructions to Wallenrodt, not dated, Record Office, Foreign Ministers 46, Foreign Entry Book 253.

And in May it was asserted that 12,000 troops of Hanover and Hesse-Cassel would march as soon as George I came to Germany.⁹⁰

So far as he was concerned, such reports were entirely without foundation. We have seen that he was opposed to forcible intervention in Poland, lest the catholics there should be driven to throw in their lot with Austria, and this in spite of what Wallenrodt reported Townshend to say, that it would be very advantageous if the tsaritsa could be persuaded to interest herself in the Thorn affair.⁹¹ Lest Finch should go too far he had been informed that, seeing 'that words will not do the business, and that we are not prepared in any wise to support them by effects', he should not press so strongly for a decisive answer. What Prussia did, said Townshend, did not matter much; the 'main turn' depended on St. Petersburg.⁹²

These sentiments were shared at Paris. It was hoped there, Horatio Walpole had written, that the king of Prussia would not press on his resentment at the Thorn massacre to a war, and so 'make the Polanders desperate, and oblige them to fling themselves into the hands of the Emperor'.⁹³ And we find the same thing in the instructions issued to the Abbé de Livry, sent to Poland in the following year,⁹⁴ though they deal, of course, with a situation then greatly altered. The reasons for sending him were stated to be the feeble state of Augustus II's health, the publicity of his steps to secure his son's succession, Austrian overtures to the Poles, movements in the north, and the affair of Thorn. Four of these reasons held good in 1725. On the last it was pointed out that the protestants had given the provocation, and that, however severe had been the reprisals, the catholics had good arguments to support them and their proceedings were judicially correct. All '*démarches d'éclat*' must be avoided, for to irritate the Poles might drive them to bring in Saxon or even imperial troops for their defence, with the result that the king's authority would be completely established in the country and his son succeed him. While de Livry must do something to meet the engagements of France under the treaty of Oliva, he must on no account act as though he were the minister of a protestant power, but must make it understood that there was no desire to interfere in the domestic concerns of the country, only to offer mediation and good offices for the restoration and maintenance of peace.

On 1 May Mardefeld wrote that the Russians looked upon an expedition against Poland as an easy and inexpensive way of

⁹⁰ *Lettres Historiques*, lxvii. 411-15, 529.

⁹¹ Wallenrodt, 20 March, Staatsarchiv, Berlin.

⁹² Townshend to Finch, 30 March (o.s.), Record Office, Poland 29.

⁹³ Dispatch of 7 March, cited.

⁹⁴ Dated 30 April 1726, *Recueil des Instructions*, iv. 301 ff.

gaining glory ;⁹⁵ and Campredon on the 12th : ' le roi de Prusse continue de faire solliciter vivement.'⁹⁶ But nothing resulted. For one thing, Catherine's attention was now concentrated on the Sleswick question. For another, Prince Gregory Dolgoruky, lately returned from Poland, and his son Prince Sergius, now at Dresden, were advising, so Mardefeld learnt, against resort to force. At an interview with him Osterman refused to say more than that a great error had been committed, repeating the words 'fermeté, fermeté', the apparent imputation being that the king of Prussia ought to have interfered in arms at once.⁹⁷ And the consistent reply to Mardefeld's representations was that the tsaritsa was perfectly prepared to send a good force, if only the king of Prussia would concert a plan with other sovereigns interested and communicate it to her.⁹⁸ This, in view of the attitude of George I, was not possible.

To conclude present reference to affairs in Poland, when there came to Dresden news of the proposal to marry Louis XV to a daughter of the ex-king Stanislaus, Finch observed 'a great damp in all their faces', and wrote, 'the Ministers here think seriously of adjusting the affair of Thorne that they may not have to do with the Dissidentes at the same time that the hidden party of Stanislaus.' But he doubted whether they could control 'the bigoted and headstrong' in Poland. Bülow, he said, was tormenting him to know what resolution parliament would take in the matter before prorogation. He had something to say of a new plan of partition with Prussia, mooted privately by Flemming, of endeavours by him 'to persuade the Poles that his Maty will not support the affair of Thorne', and of his showing Bülow 'letters from thence in that stile in order to foment a dissidence between our Court and his'. He concluded, 'if the tsaritsa promises no more than she will perform, and the Court of Berlin does not prefer private interests to the publick cause, and the K. of France's marriage wth Stanislaus's daughter . . . is declared,' then there would be little difficulty in bringing the Poles to reason, but 'if any of these cards are wanting' failure would result.⁹⁹

By this time, on 30 April and 1 May, the treaties of Vienna had been signed, a public treaty of peace, a private one of alliance,

⁹⁵ Staatsarchiv, Berlin, *Sbornik*, xv. 277.

⁹⁶ *Sbornik*, lviii. 298.

⁹⁷ Mardefeld had reported on 2 January a saying of Peter the Great that had he so strong an army 'à portée' he would never have allowed such wrong to go unredressed. The imputation galled Frederick William sadly. While reiterating his anxiety for a Russian alliance, and the sooner the better, he complained that neither the late tsar nor the tsaritsa had ever been persuaded even to remonstrate with the king of Poland. The futility of accusing him of want of firmness was shown, he said, by his actual mobilization of a force of 30,000 to 40,000 men, a thing which few other princes would have done in so short a time (rescript to Mardefeld, 5 May).

⁹⁸ Mardefeld's dispatches to 26 May, Staatsarchiv, Berlin.

⁹⁹ Finch, 3 to 19 May, Record Office, Poland 29.

and a third of commerce.¹⁰⁰ The meagre terms which Ripperdà had been able to obtain, sent to Madrid on 9 March,¹⁰¹ had been at once accepted, anger against France drowning all other considerations. To meet all the extravagant ambitions set forth in Ripperdà's instructions¹⁰² there was only a clause in the private treaty by which Charles VI undertook not to oppose the restitution of Gibraltar and Port Mahon to Spain, 'si amicabiliter fieret,' and to employ all good offices to further it, where it seemed useful, and even his mediation, if desired. Of the marriages, on which the whole conception of the queen of Spain was based, there was no mention. Charles, on the other hand, obtained from Spain the two things he had most at heart, a guarantee of the Pragmatic Sanction and privileges for the Ostend Company which seemed to secure its future. No wonder that he and his ministers responsible displayed the 'abondante joye' recorded by St. Saphorin and Du Bourg.¹⁰³

The public treaty was at once communicated to foreign courts,¹⁰⁴ with invitations to accede to it and the statement that it was entirely conformable to the principles of the quadruple alliance. Even now there was surprise in London at the successful event, 'so much the less expected,' Newcastle wrote, 'because it was not easy to foresee how their Catholick Majestys could find their advantage by this separate alliance.'¹⁰⁵

It was quite true that the treaty was in conformity with that of London (the quadruple alliance), on which the second article expressly stated it to be based. The principal addition was the mutual guarantee of the successions established in the two countries, one of them the Pragmatic Sanction. But it could not

¹⁰⁰ In Latin, Dumont, viii. ii. 106 ff.; in Spanish, Cantillo, *Tratados, convenios y declaraciones de paz y de comercio*, pp. 202 ff.

¹⁰¹ Syveton, p. 92.

¹⁰² See Syveton, ch. vi; the Spanish text, Cantillo, pp. 214-16. Their date being 22 November 1724, Ripperdà cannot have reached Vienna in that month, as is nearly always stated. Syveton (p. 68) shows from documentary evidence that he arrived there in January 1725.

¹⁰³ Boasting, say the envoys, to be now 'hors de la tutelle des deux Cours Médiatrices. Elles traversoient sous main notre Paix avec l'Espagne, bien loin de l'accélérer; nous avons su la faire sans Elles, et c'est maintenant que nous serons respectables' ('Relation Commune' of 11 May, Record Office, Germany (Empire) 55; cf. Dureng, pp. 277-9). In his dispatch of 16 June (*ibid.*) St. Saphorin gave the chief credit to the Marquis de Rialp: 'Rialp a toujours eu en tête de négocier avec l'Espagne, il a obligé le Comte de Sinzendorff à adopter ses idées; il leur a été facile d'y faire entrer Savailiac, et ces trois Messieurs, qui sont continuellement autour de l'Empereur, ont trouvé moyen de luy faire envisager cette négociation comme devant le rendre arbitre de toute l'Europe, et surtout également le Directeur de la Monarchie d'Espagne, pour laquelle il a tant d'affection, comme le Maître absolu de l'Empire.'

¹⁰⁴ The copy communicated to George I, Record Office, Treaties 150, with a French translation.

¹⁰⁵ To H. Walpole, 3 May (o.s.), British Museum, Add. MS. 32743; drafts of date 1 to 4 May (o.s.), with much correction and erasure, Record Office, France 181.

therefore be accepted as innocuous. In the first place two powers reconciled of their own will might be expected to act together in the future. Secondly, they were both catholic, and the Pragmatic Sanction had avowedly catholic objects, and therefore the alliance was a further menace to the hardly pressed protestants of Germany and Poland. Thirdly was evident the strength which must accrue to the emperor's great commercial undertaking, the Ostend Company, regarded with such jealousy in England and Holland. And, fourthly, the advantages to Spain appeared to be so small that other engagements in the form of a secret treaty or articles seemed certain.¹⁰⁶ Thus Newcastle :

In case there be no other Treaty than this (which is hard to believe) the Court of Spain has shewn it's moderation in a very extraordinary manner, in having departed from what was proposed for them by the Mediators, and was not then by them thought sufficient.¹⁰⁷

And Horatio Walpole in reply :

The Treaty publish'd is so dishonourable and disadvantageous in every respect to the Crown of Spain, that this Court does, as every body must, conclude that there is some secret Treaty, or Articles, to flatter the Queen of Spain's vanity and ambition in favour of her son Don Carlos, wherein tis very likely she will be at last disappointed, and find she has given up the substance, to catch at the shadow.

He reported Morville to say that ' the most material thing at present ' was to employ all means, not sparing money, to find out whether there were any secret articles, and, if so, what.¹⁰⁸

It seems to have been hoped that Great Britain would accede to the public treaty. St. Saphorin recounts overtures made to him for separation from France and a return to the old system of alliance with Austria.¹⁰⁹ But the invitation was declined,¹¹⁰ as previously the proposal from Spain that George I should undertake sole mediation at Cambray.¹¹¹ The cue adopted was to show neither disquietude at nor interest in the matter,¹¹² while Horatio Walpole was instructed to urge the French government to maintain its close alliance with Great Britain, to send ministers

¹⁰⁶ As was thought, for the marriage of Maria Theresa to Don Carlos and the aid of the emperor for the recovery of Gibraltar and Port Mahon.

¹⁰⁷ To H. Walpole, dispatch of 3 May (o.s.), cited, and similarly Townshend to St. Saphorin, same date, Record Office, Germany (Empire) 54.

¹⁰⁸ H. Walpole, 15 May, British Museum, Add. MS. 32743.

¹⁰⁹ In a great secret dispatch of 11 May, Record Office, Germany (Empire) 55.

¹¹⁰ See Count Starhemberg's invitation and the refusal in Cox, *Memoirs of Sir Robert Walpole*, i. 140-1.

¹¹¹ The reasons for this, Dureng, p. 274. H. Walpole was careful to inform the French government of the refusal, as a further proof of British sincerity (dispatch of 8 May, British Museum, Add. MS. 32743).

¹¹² Townshend to St. Saphorin, 3 May (o.s.), cited. The latter was already behaving in this way at Vienna, to the great discomfiture and irritation of the ministers, he says (11 and 26 May, *ibid.*)

to the northern courts at once,¹¹³ and to decline to enter into a treaty 'made in so unhandsome a manner' and containing 'new stipulations which might hereafter prove very burthensome' and of ill consequence.¹¹⁴ Nor would George I listen to the offer by Charles VI of his mediation on points at issue between Great Britain and Spain, an offer accompanied by the strongest assurances of friendship, couched in the most guarded terms, and disclaiming alike knowledge of what the differences might be and belief that any could remain unsettled.¹¹⁵ Count Conrad Starhemberg, having communicated these his instructions, was answered that the king

knew of no differences or disputes that were between him and his Catholic Majesty, they having lived in the most perfect union, friendship, and intimacy, which his Majesty on his part should continue to cultivate and improve, and that he had no occasion for any mediation, nor would he admit of any.¹¹⁶

Before the end of May the British plenipotentiaries, Lords Marchmont and Whitworth, took a hurried departure from Cambray, in order to save appearances by anticipating that of the Austrian and Spanish.¹¹⁷ The French stayed on awhile, 'upon a puncto of civility,' says secretary Thomas Robinson,¹¹⁸ Cambray being on French territory. On 27 May was proclaimed the betrothal of Louis XV to Maria Leszczynska, a match which increased the difficulties of the French government abroad¹¹⁹ and was only recommended by the probable humility and fecundity of the bride.

Such was the situation early in June, when suddenly George I was faced with the likelihood of war with Russia, at the same time that advices from Vienna portended hostilities with Spain. Of these new conditions was born the treaty of Hanover.

J. F. CHANCE.

¹¹³ Whereupon 'we shall soon be upon such a foot of power and influence in Europe, as not to be under any manner of concern at whatever may be the secret view and design of this new Alliance'.

¹¹⁴ Newcastle to H. Walpole, 3 May (o.s.), cited.

¹¹⁵ Extract from a rescript to Starhemberg in London, dated 19 May, Record Office, Foreign Ministers 11, Spain 93.

¹¹⁶ Townshend from the Hague to Colonel Stanhope at Madrid, 20 June, Record Office, Spain 93. Starhemberg's communication was made on 2 June (o.s.).

¹¹⁷ They did this before actual orders to leave reached them, and their action was approved.

¹¹⁸ 30 May, Record Office, France 181. Robinson was in charge of affairs at Paris while Walpole was on a visit to England.

¹¹⁹ Especially at Vienna and Dresden, cf. St. Saphorin, 11 May, Record Office, Germany (Empire) 55, and Finch, 9 June, Poland 29. Augustus II, he wrote, could only hope now to be left in possession of the crown of Poland during his life, 'so that the Prince's Succession and the imaginary schemes of making that Kingdom hereditary are all vanisht, the ordinary fate of the projects of this Court.' As for Count Flemming, he would have to account for his management of the Leszczynski property, the income from which he had quietly pocketed, instead of paying off its debts.

Notes and Documents

William the Chamberlain and Luton Church

THE story of William the Chamberlain and Luton Church, which is to be found in the *Vitae viginti trium Abbatum* of Matthew Paris, possesses a twofold interest entitling it to more careful examination than it has yet received,¹ for in addition to throwing a sidelight upon the struggle between secular and spiritual forces in twelfth-century England, it describes what seems to be an example of the assize *Utrum* in Stephen's reign. The source of the present narrative is Wats's 1683 edition of the *Vitae*,² which was based upon three manuscripts, two from the collection of Sir Robert Cotton, one from that of Sir Henry Spelman. The first two form the source of Riley's edition of the *Gesta Abbatum*, but the third is apparently lost. It was, Wats tells us, older, shorter, and more compressed than the others, and bore the following note: *Secundum antiquum rotulum Bartholomei clerici qui cum Adam cellarario diu fuit serviens ei et ipsum rotulum sibi retinuit de scriptis suis hoc solum eligens*.³ This Adam was a

¹ As embodied in Riley's edition of the *Gesta Abbatum Monasterii Sancti Albani*, i. 113 *seq.* (Rolls series), it was noticed by the Rev. H. Cobbe in his learned book *Luton Church, Historical and Descriptive* (1899), though unfortunately in a fashion both uncritical and misleading. Mr. Cobbe makes no inquiry into the sources of the account, accepting without a word of caution to his readers the statements of a compilation of the late fourteenth century concerning events occurring in the early twelfth. On his authority certain mistakes have found their way into the *Victoria County History of Bedfordshire* (i. 314-15, ii. 350). Some of these will be noticed in the course of the present note. Professor Maitland (*Hist. of English Law*, 2nd edition, i. 145, 246) concluded, perhaps over-hastily, that the record was corrupt, although he seems disposed to accept the facts.

² Though in general Wats's accuracy leaves something to be desired, and his unfamiliarity with medieval abbreviations makes his spelling eccentric, yet he had access to the Spelman MS. (below, notes 3, 5) which was unknown to the editor of the *Gesta*. As far as the present narrative is concerned, his readings are in several instances preferable to those of Riley's text.

³ Wats, Praefatio to the *Vitae*. The first two are the Cottonian MSS. Claudius E. iv, and Nero, D. i. In the latter (f. 30a) this note is repeated in a contemporary hand, apparently copied from the older Spelman MS., but with the courteous addition of the title *Domino to Adam*. Among the Spelman MSS. in the Gurney collection (to which my attention was directed by the Editor) there is a series of extracts (no. 119 16, ff. 96-115) 'ex libro MS Sti. Albani de Vitis Offae Regis . . . et Abbatum' (*Hist. MSS. Comm., 12th Report*, app., ix. 158). I have had no opportunity of examining this, but it may possibly be a copy of some portion of the missing manuscript.

St. Albans monk of note, who lived during the reigns of Stephen and Henry II, and died some time before 1185.⁴ There thus arises a strong presumption that we have to deal with an account based upon the work of a twelfth-century writer describing the events of his own day.⁵ Such a presumption is supported both by the extreme particularity of the narrative, and by the accuracy of those details which can be verified from independent sources. A good example of this is afforded by the preservation of the names of the agents concerned in the first seisin of Luton church (ll. 13, 14). Of these, Geoffrey de Watervilla is easily recognizable as the Geoffrey de Walterivilla who receives a payment out of the ferm of Northamptonshire in the *Pipe Roll of 31 Henry I*;⁶ while Walter de Querceto seems identical with the Walter 'de Caisneio' who held five knights' fees as tenant of the earl of Gloucester in 1166.⁷

It is in the Great Survey that we first find mention of a William the Chamberlain, who, from the extent and value of his lands, was evidently a person of some importance. He held of the king estates situated at Hartswell, Wincot, Hampen, Houghton, Luton, Potsgrove, Battlesden, and Totternhoe.⁸ Of the abbot of Westminster he held an estate in Ockenden;⁹ of the bishop of London, lands in Stepney;¹⁰ of the abbot of Abingdon,

⁴ For notices of his life see *Gesta*, i. 107, 121, 134, 182; for his death, p. 206. Riley in his introduction finds it difficult to accept this account about Adam, because Paris (*ibid.* p. 121) called him 'illiteratus'. But it seems from the context that Paris merely means that Adam was without the literary taste that distinguished his cultured uncle Geoffrey. The principal business man of a great house like St. Albans cannot have been illiterate, in the strict sense of the word, in the twelfth century.

⁵ Wats (praefatio) assumed that his Spelman MS. was practically a copy of the roll; and it is plain that on occasion, e.g. Wats, p. 1011, l. 13, Paris does copy his source word for word. But the slight opinion in which he held Adam's literary skill makes it improbable that he would copy him exactly. Now it seems fairly well established that historical compilation was going on at St. Albans during the latter part of the twelfth century (Hardy, *Catalogue*, iii. xxxvi), and in this connexion the name of Walter the Monk has been preserved (Tanner, *Bibliotheca*, p. 362). It seems, then, probable that this Spelman MS., which Wats says was older than Nero, D. i, and therefore than the period of Paris's literary activity, was the work of an early historiographer of St. Albans, whether Walter or another, based upon the roll of Bartholomew.

⁶ p. 86.

⁷ *Liber Rubeus*, p. 289. Walter married Eva, daughter of Eustace del Broc (*Eynsham Cartulary*, i. 79-80, Oxford Historical Society); cf. Round, *The King's Sergeants and Officers of State*, p. 106. Other forms of the name are Caisneto, Casneto, Chesney, and DuChesne. The names of several other members of the family are known to us. Hugh is mentioned in the *Pipe Roll of 31 Henry I* (pp. 6, 86, 104); William, sheriff of Norfolk (Howlett, introduction to *Gesta Stephani*, p. 1), was uncle of Gilbert Foliot and a man of mark (H. W. C. Davis, *ante*, xviii. 638), figuring prominently in the *Pipe Roll of 2 Henry II* (pp. 7, 76, 82, 125, 150, 169); Robert was archdeacon of Leicester (*Hist. Monast. de Abingdon*, ii. 81, 216-22), and became bishop of Lincoln in 1147 (Le Neve, *Fasti*).

⁸ *Domesday Book*, i. 151, 167, 209, 210 b, 216.

⁹ *Ibid.* ii. 15.

¹⁰ *Ibid.* i. 128 b.

the manor of Lee.¹¹ Besides enjoying these possessions, amounting to rather more than £20 in value, he farmed the royal manor of Lidlington, worth £22,¹² in partnership with Otto the Goldsmith.¹³ Although the balance of evidence is strongly against his having been in orders,¹⁴ his possessions included the churches of Luton and Houghton, and it is round the question of his right to transmit the former to his heir that the narrative we are about to consider really centres. A certain amount of information is available with regard to him. He seems to have been identical¹⁵ with the Willelmus Camerarius, evidently chamberlain of London, who figures in a series of documents connected with St. Peter's, Westminster, falling within the years 1080–1101. From 1102 to about 1121 the name William the Chamberlain continues to occur. In the former year we hear of a 'William the King's Chamberlain of London', who appears in a curious story connected with the knight-service due to Abingdon Abbey.¹⁶ In 1105 'William the King's Chamberlain' witnesses a donation to the same house;¹⁷ while in 1110 a man of the same name attests a royal confirmation to Ramsey Abbey.¹⁸ Some time between the years 1109–11 a document, also belonging to Ramsey,¹⁹ is attested by William the Chamberlain of Houghton—a place where our William owned property. Finally, about 1121, comes a mandate addressed to William the Chamberlain and his successors in the chamberlainship of London.²⁰ Now while it would be difficult to prove absolutely that in these documents mention is made of the William with whom we are concerned,²¹ none the less a comparison

¹¹ *Ibid.* i. 59 b; *Hist. Monast. de Abingdon*, ii. 128. ¹² *Domesday Book*, i. 190.

¹³ Hereditary master of the mint; see Round in *Vict. County Hist., Essex*, i. 351; *ante*, xxiv. 427.

¹⁴ That such was the case is maintained by Mr. Cobbe (pp. 50–3), but this is not borne out by the character of the notices we have of William. Moreover, if he were in orders, how could his successor claim to hold of hereditary right after the decrees of 1126 (Wilkins, i. 408)?

¹⁵ Fully to discuss the evidence for this identification would here be out of place, but two links in a strong chain of connexion may be mentioned. First, William the Chamberlain was associated in business with one Otto, as noticed above; and this Otto is found witnessing a St. Peter's charter (J. Armitage Robinson, *Gilbert Crispin*, Selected Charters, no. 27) along with the William the Chamberlain of London who figures in the other St. Peter's documents (*ibid.* nos. 4, 17, 20). Secondly, the son of the William of Domesday, who succeeded to his estates (see below), is found exercising the office of chamberlain of London at a time when offices like the shrievalty, with which it was closely associated (*ibid.* nos. 4, 39), were hereditary.

¹⁶ *Hist. Monast. de Abingdon*, ii. 128.

¹⁷ *Ibid.* p. 53.

¹⁸ *Ramsey Cart.* i. 148.

¹⁹ *Ibid.* i. 242, ii. 83.

²⁰ *Gilb. Crispin*, no. 39.

²¹ It would perhaps be possible to base an argument in favour of the identity of the persons here mentioned with our William, upon the character of the variations in title, e.g. the difficulty of finding other persons to whom these different denominations might with propriety be applied. In particular, I think, the title, William the King's Chamberlain of London (cf. Herbert the King's Chamberlain of Winchester, *Gilb. Crispin*, nos. 18, 27), bridges the gap between Willelmus Camerarius Regis and William the Chamberlain of London.

of the names in connexion with which 'Willelmus Camerarius' throughout occurs, establishes a strong presumption that down to and including the 1121 document, we are still dealing with the person who figures in the first four St. Peter's charters.²² Over and over again, in documents hailing from sources so little connected as the muniment rooms of Abingdon, Ramsey, and Westminster, occur the same names in conjunction with that of William the Chamberlain: names of men either officially connected with London, or prominent members of the administrative class. After 1121, however, this is no longer the case. The name of William the Chamberlain is still found, but not in connexion with the same set of people.

By that date, William the Chamberlain, who had held his office since about 1080,²³ must have been a very old man. On chronological grounds alone, therefore, it is necessary to distinguish him from the man of the same name who figures in our story of Stephen's reign. And when this second William the Chamberlain is found not only possessing the office formerly held by the first William,²⁴ but also claiming by hereditary right portions of the land held by him in 1086,²⁵ it is natural to conclude that we are dealing with a father and son of the same name. The only question is as to the date when the father died and the son took his place. Since the younger man had a son old enough in 1127 to attest a legal document,²⁶ it is plain that he may be expected to appear on the scene any time after 1121, at which date, apparently, his father was still living. The first mention we have of him seems to be the account of the transaction which restored to Ramsey Abbey the Pegsdon estate, of which it had been unjustly deprived.²⁷ Unfortunately this is difficult to date

²² The following selection from the witnesses illustrates this point: *Gilb. Crispin*, no. 4, Sheriff Geoffrey de Mandeville, William the Chamberlain, Walkelin of Winchester, Robert of Mellent, Robert of Oilli, William of Durham, Roger Bigod; *ibid.* no. 17, Peter des Valognes, Theobald of Bec, William the Chamberlain; *ibid.* no. 27, Walkelin, Hugh of Belcamp, William Baynard, Peter des Valognes, William the Chamberlain, Hugh of Bocland, Otto the Goldsmith; *ibid.* no. 20, Hugh of Bocland, William the Chamberlain, William de Mandeville, Walter the Chancellor; *Hist. Monast. de Abingdon*, ii. 128, William the King's Chamberlain of London, Nigel of Oilli, Hugh of Bocland, William the Sheriff, Ralph Basset; *ibid.* p. 53, William the King's Chamberlain, Winus (apparently a member of the household of St. Peter's, Westminster, *Gilb. Crispin*, p. 155); *Ramsey Cartulary*, i. 148, Robert of Mellent, Robert of Lincoln, Ralph the King's Chancellor, William the King's Chamberlain; *ibid.* i. 242, ii. 83, Roger of Salisbury, Robert of Lincoln, Ralph the Chancellor, Ralph Basset, Robert of Oilli, Roger Bigod, William the Chamberlain of Houghton; *Gilb. Crispin*, no. 39, William the Chamberlain, Walter of Belcamp, Roger of Salisbury, Robert of Lincoln, Ralph the Chancellor, Ralph Basset.

²³ *Gilb. Crispin*, no. 4.

²⁴ *Pipe Roll of 31 Henry I*, p. 145; *Ramsey Cartulary*, i. 142-3.

²⁵ l. 30.

²⁶ *Ramsey Cart.* i. 144.

²⁷ *Ibid.* 142-3. This is of great importance as establishing the identity of the younger William the Chamberlain of London and the William heir of Willelmus

with precision ; but from the concurrence of the witnesses in other Ramsey muniments it may, with fair probability of correctness, be placed about 1125. Some two years later, in 1127, occurs a Ramsey document attested by William the Chamberlain and Robert his son ;²⁸ and about 1129 William the Chamberlain is among the witnesses of an agreement binding the dean and chapter of St. Paul's.²⁹ In the *Pipe Roll of 31 Henry I*, he is spoken of as no longer Chamberlain and as owing large sums to the exchequer.³⁰ Whether he regained his office, or whether 'Camerarius' had passed from a title into a surname, may perhaps be open to question ; but it is certain that throughout the narrative he is still referred to as 'the Chamberlain'.

At the time when the story begins he was not a tenant-in-chief ; for he now held of the earl of Gloucester³¹ the lands his father had once held of the Crown.³² But in the case of Luton church, there had been a change more radical than any mere substitution of overlords. The first William had held it in frank-almoign,³³ apparently occupying the position of lay rector, and making no attempt to withdraw church and lands from ecclesiastical jurisdiction. The second William was not content with this arrangement. It may be that he was disquieted by the

Camerarius of Domesday ; cf. Round in *Vict. County Hist., Bedfordshire*, i. 197. There is no doubt that it refers to the younger William ; for it is unlikely that a man of the great age of the elder William would have a wife and two brothers still living ; and the William mentioned therein is not spoken of as having seized the Pegsdon estate from Ramsey, but as having retained it when it had been taken away. This suggests the interposition of another person, doubtless William the father, for in 1086 the abbey was in full possession. The manor was then worth £50 (*Domesday Book*, i. 210).

²⁸ *Ramsey Cart.* i. 144.

²⁹ *Hist. MSS. Comm.*, 9th Report, app. 1, p. 63 a. It is witnessed by William the Dean (1111-38) and Archdeacons Richard (? 1132), Cyprian (? 1132), and Hugh (?). Of the other witnesses, nine figure in a charter of 1132 (*ibid.* p. 67 b) and nine in 1142 (*ibid.* p. 67 a). Four were alive as late as 1148 (*ibid.* p. 63 a). Seven at least figure in the *Pipe Roll of 31 Henry I*, which, since it speaks of William as no longer chamberlain, fixes the terminus *ad quem* (cf. *Ramsey Cart.* i. 256). It seems then that some year just previous to the time of the roll must be the date. It may be mentioned that William appears in a place not noticed in the index to the 9th Report, app. 1 : in a convention (p. 62 b) between one Goisbert (dead in 1141, p. 62 a) and the canons of St. Paul's.

³⁰ p. 145.

³¹ Henry I had certainly given Luton, and with it the other Crown holdings of William the Chamberlain, to Robert of Gloucester. Nothing is known of the grant, but it may be assumed to have taken place when Robert was married (1109 ? Rob. of Gloucester, ll. 8910-13) or when he was created earl, 1121-3 (Dr. Round in *Genealogist*, iv. 129).

³² William owed half a knight only for his Luton, Houghton, Potsgrove, Battlesden, and Hartswell lands (below, p. 729, l. 90), while in the *Liber Niger* (ed. Hearne, i. 163) and *Liber Rubens* (p. 290) he is rated as owing one knight to Gloucester on the old enfeoffment. It therefore appears that he had become the vassal of Robert not merely for the lands above mentioned, as is assumed by Mr. Cobbe and the *Vict. County Hist., Bedfordshire*, but for all the lands his father had held of the Crown in 1086, which seem, exclusive of the farmed manor, to have amounted to about 20 librates.

³³ See the text below, p. 727, ll. 48, 49.

growing power of the hierarchical party, and their openly-expressed disapproval of the transmission from father to son of lands forming part of church endowments.³⁴ At all events he attempted to secure himself by an arrangement with his overlord the earl of Gloucester, in virtue of which, apparently, his whole fee, including the two churches, was to be held in its entirety for the service of one knight; the Luton, Houghton, Potsgrove, Battlesden, and Hartswell possessions being reckoned at half this service. Both parties seem to have gained by the arrangement: the earl obtained an increment of half a knight together with a present of ten marks,³⁵ while William might now claim that his churches and their lands, being held, along with the rest of his fee, in hereditary right by military service,³⁶ were withdrawn from the competence of the courts which menaced his security of possession. It was this withdrawal that constituted William's chief crime in the eyes of the monastic narrator of the incident. Unfortunately for the ingenious Chamberlain, his scheme miscarried. His position in regard to Luton church naturally depended in some degree upon the goodwill and protection of Earl Robert; and it is significant that the attack upon his title took place with Stephen's consent in 1138—that is to say, in the year of Robert's defection from the king's cause.³⁷ It was probably unfortunate for William that his lands were situated in a part of England where Stephen's power was firmly seated throughout most of the vicissitudes of the reign.³⁸ It is in any case certain that he was deprived of his Luton possessions, although there is nothing to show that he did not retain his other lands until his death.

The date of this dispossession is fixed approximately by the mention of the part played by the papal legate in the judicial process that led up to it. Alberic of Ostia came to England in the summer of 1138,³⁹ and straightway proceeded north. By 29 September his work there was done, and he returned south.⁴⁰ On 13 December he held a council at London, where Theobald of Bec was elected archbishop.⁴¹ Soon after 13 January 1139 he returned to Rome.⁴² It seems then probable that the third trial took place between September 1138 and January 1139, which would appear to confine the preliminaries to the last six months of the former year. The account given in the text of this trial is of exceptional interest. There is

³⁴ Cf. Wilkins, i. 408.

³⁵ l. 6.

³⁶ l. 30.

³⁷ Will. Malm., *Hist. Nov.* (ed. Stubbs), p. 545.

³⁸ Howlett, introduction to *Gesta Stephani*; Davis, *ante*, xviii. 630 *seq.*

³⁹ John of Worcester, p. 49; Gerv. i. 101.

⁴⁰ John of Hexham, p. 298.

⁴¹ Gerv. i. 109; Hen. of Huntingdon, p. 265; Will. of Newburgh, p. 35; John of Hexham, p. 299.

⁴² John of Hexham, p. 300; *Gesta Stephani*, p. 176.

no reason to suppose that the writ directing the holding of this particular assize—if it may so be termed—was anything more than a mark of royal favour; but it must be remembered that the verdict of the vicinage was the natural way of settling disputes of this sort, which cannot have been uncommon. It is noteworthy that the recognitors were directed to fulfil the precise function of the twelve legal men in the ninth article of the Constitutions of Clarendon a quarter of a century later; thereby affording additional support to the contention of Henry II that these constitutions represented merely the *avite consuetudines* of England.

In connexion with the Oxford council in which William's rival was finally put in possession of Luton church and its lands, there is some little obscurity. The only known council at Oxford during the years 1138–9 was the famous one of 24–6 June 1139, at which the bishops were arrested. But no contemporary mentions Theobald's presence there; ⁴³ although it may well be that narrators had eyes only for the dramatic events connected with Roger of Salisbury and his house. Theobald had gone to Rome to attend the Lateran council, which began its sittings on 3 April.⁴⁴ He returned to Normandy 'about Whitsuntide' (11 June),⁴⁵ and it would therefore have been possible for him to attend the Oxford council. If Riley's text is right in its reading of l. 62, it would seem to lend probability to the suggestion that Oxon. may be a slip of the pen for Winton. This would mean postponing the final adjudication of Luton until September 1139,⁴⁶ which would fit in equally well with the chronology of the story. But in the absence of proof positive that Theobald was not at Oxford in June 1139, the statement of the text may perhaps be accepted.

There is one chronological difficulty about which something must be said—the mention of the death of Earl Robert and the succession of Earl William in such manner as to imply that the latter is the *comes Glovernie* of the narrative. Earl Robert did not die until 31 October 1147; ⁴⁷ how then can his death be related at the very beginning of proceedings? It seems clear that one of two things has happened in connexion with this sentence in ll. 8–10. Either Paris has embodied in his text what in his source was a marginal note intended to give

⁴³ John of Hexham, p. 301; *Ann. Oseney*, p. 23; Will. Malm. ii. 548; Will. of Newb. p. 35; Hen. of Hunt. p. 265; Ord. Vit. v. 120. ⁴⁴ Jaffé, i. 885.

⁴⁵ Rob. of Torigny (ed. Howlett), p. 135. He is likely to have known the date, for until Theobald's return Bec was without an abbot (*ibid.*).

⁴⁶ The council of Winchester met 29 August–1 September (Will. Malm. ii. 550–5; John of Hexham, p. 301). Theobald was unquestionably there, and a certain amount of business seems to have been done.

⁴⁷ *Ann. de Margan*, p. 14; *de Theokesbury*, p. 47; *de Waverley*, p. 232; *Gesta Stephani*, p. 134.

information as to the succession to the earldom of Gloucester ; or he has merely followed his not uncommon practice of giving a fact as it occurs to his mind out of its chronological sequence. It is interesting to note that Gervase is similarly ambiguous upon exactly the same point.⁴⁸ But what is perfectly plain is the fact that the earl of Gloucester of the first part of the story is Earl Robert, and not his son.

In conclusion mention must be made of the ' Earl Gilbert ' who figures so largely in the troubles of William the Chamberlain. This must be either Gilbert de Clare of Hertford who was created some time before Christmas 1141⁴⁹ and died about 1152,⁵⁰ or his uncle Gilbert de Clare of Pembroke, created 1138, died 1148.⁵¹ There is nothing in the account which could not with equal propriety be applied to both men. But since the first mention of the nephew's earldom that we have is in 1141, while the Gilbert of the story was an earl at latest by the year 1138, the balance of probability seems to incline towards the conclusion that Earl Gilbert of Pembroke is the man meant.

L. F. RUSHBROOK WILLIAMS.

Matth. Paris., ed. Wats, f. 1016.

Ipsis quoque diebus erat quaedam ecclesia in villa de Luitona parochialibus copiosa et opimis terris dotata. Hae terrae cum ipsa ecclesia, pertinentes ad feodum comitis Gloverniae, cuiusdam Willielmi Camerarii violentia iniuriosa, de quo in sequentibus loqui habemus, in officii militaris
 5 officium¹ erant redactae, et, ut fieret, idem Willielmus dedit dicto² comiti Roberto de Glovernia decem marcas. Qualiter autem id acciderit, qualemve introitum praefatus Robertus Abbas³ habuerit in hanc ecclesiam, dignum duximus propalare. Defuncto namque dicto Roberto comite Gloverniae, Willielmus filius eius in paternam successit haeredita-
 10 tem. Qui, dum adhuc essent⁴ in fidelitate et servitio Regis Stephani, comiti Gileberto dedit quale ipse habebat dominium ecclesiae de Luiton et terrae eidem ecclesiae pertinentis. Et eum inde seisire fecit per Gaufridum de Watervilla, qui loco sui ad investituram hanc faciendam, misit Luitonam Walterum de Querceto. Hanc autem donationem et seisinam
 15 multi viderunt et audierunt. Willielmus vero Camerarius, laicus quidem et uxoratus, ecclesiam occupaverat, et ecclesiae libertatem, ut praedictum est, redegerat in servitium officii militaris.

1. 2. The total value of the church and 5 hides of land was 60s. in 1086. Of this the church was worth 20s. (*Domesday*, i. 209).

1. 7. Robert was abbot of St. Albans 1151-66.

1. 16. That William was married could not have been a very serious indictment, for his successful rival, Gilbert of Chimay, was also married. See l. 81.

⁴⁸ Gerv. i. 131.

⁴⁹ Round, *G. de Mandeville*, pp. 146, 271

⁵⁰ Dugdale, *Baronage*, p. 210 ; *Ann. Monast.* i. 48, ii. 55.

⁵¹ Marsh, *Chepstow Castle*, p. 55 ; Dugdale, *Baronage*, i. 208.

¹ *servitium* in Riley's text, hereafter cited as R.

² Om. R.

³ Om. R.

⁴ *esset* R.

Comes itaque Gilebertus, intelligens hoc esse dissonum rationi, consensu⁵ Regis praedictam ecclesiam et totam terram eidem ecclesiae pertinentem, quam dictus Willielmus Camerarius iniuste occupaverat, sicut advocatus 20 dedit et concessit in eleemosynam Gileberto de Cymmay, cognato suo et Regis capellano, volens iuris ecclesiastici libertatem redintegrare. Rex itaque et comes Gilbertus Alexandro episcopo Lincolniensi Gilebertum de Cymmay presentaverunt, postulantes ut praedictam ecclesiam ei concederet, et eum appersonaret. Episcopus vero respondit se nolle Williel- 25 mum Camerarium ab ecclesia, licet eam iniuste possideret, nisi iudiciario ordine submovere. Statuit ergo ei et Gileberto de Cymmay placitandi tempus et locum. Ad diem eis positum, Willielmus non venit, sed misit nuncios qui dicerent ipsum nolle sistere se iudicio coram episcopo de ecclesia quam non in eleemosyna sed pro militari servitio haereditarie 30 possidebat. Statutus est igitur eis iterum⁶ dies alius sed in eo nihil amplius effectum est. Nolens itaque episcopus adhuc absentem iudicare, ne nimiae festinationis redargueretur, posuit eis diem tertium in villa Luitun⁷ in qua ipse Willielmus manebat, ne se posset divertere vel excusare. Infra hunc diem episcopus Lincolniensis suscepit mandatum 35 episcopi Ostiensis qui tunc in Anglia legatus erat, ut diligenter inquireret utrum terra quam Willielmus Camerarius tenebat esset de iure ecclesiae Luitoniae. Quod si constaret, et ecclesiam et terram in iuris ecclesiastici libertatem revocaret. Et hoc mandatum habebat Gilebertus de Cymmay prae manibus. Cum autem ad diem hunc tertium ventum esset, 40 Willielmus, ut solebat, non affuit, sed quoddam breve Regis allatum est in praeceptum hominibus de Luitun, ut de iure ecclesiae veritatem recognoscerent et de terra, utrum ad ecclesiam pertineret, et veritatem quam inde elicerent approbarent. Hoc idem etiam ex parte episcopi praeceptum est. Testatum est ergo ab omnibus, et affirmatum constanter, quod a prima 45 fundatione ecclesiae quinque hidae in Luitun eidem in liberam eleemosynam datae sunt; et postea, succedente tempore, aliae terrae a personis ecclesiae adquisitae sunt. Et sic ecclesiam cum tota terra in eleemosynam semper ab omnibus habitam esse usque ad tempus ultimi, Willielmi Camerarii, qui ecclesiasticam libertatem in servitium militare convertit. 50 Hoc ab omnibus testatum, tres electi, tactis sacrosanctis evangeliiis, probaverunt. Quod postquam constitit, Willielmus qui ecclesiam iniuste occupaverat, iudicio disseisitus est, et ecclesia in manus episcopi seisita fuit. Hiis actis, cum Gilebertus de Cymmay eum requireret ut se, sicut ei presentatus fuerat, de ecclesia iam liberata et vacante seisiret, rem pro- 55 duxit et in respectum posuit usque ad quoddam colloquium quod apud

1. 21. Gilbert of Chimay, Cimmay, or Cymmay (cf. M. Prou, *Rec. des Actes de Philippe*, i. 1908, index, s.v. Cimai), was presumably one of the French kinsmen of the De Clares.

1. 49. Not, as Mr. Cobbe thought (*l. c.* pp. 51, 58, n. 2), the 'elder' William, but the man last in possession (cf. Ducange, *Glossarium*, s.v.), namely, William the son, who is the only William the Chamberlain mentioned throughout this extract. The plain statement that the lands had been held in frankalmoign until the day of this William contradicts one of the main premisses of Mr. Cobbe's fourth chapter.

⁵ concessu R.

⁶ iterum om.; alius dies R.

⁷ in villam Luitonae R.

Oxoniam esse debebat. Cum autem illuc ventum esset, recordatis et ostensis rebus omnibus prout iustae⁸ fuerant coram archiepiscopo Theobaldo et episcopo Lincolnensi et multis aliis, non solum indigenis sed etiam
 60 alienigenis, Gilbertus de Cimmay de ecclesia de Luiton et de terra et de omnibus eidem ecclesiae pertinentibus, iudicio communiter ab archiepiscopo et episcopo facto⁹ seisitus est. Nam multo¹⁰ post praedicto comite Gilberto, cui ius advocacionis ecclesiae de Luiton, cum terra ad eam pertinente, sicut iam dictum est, concessum fuerat, a fidelitate et servitio
 65 Regis Stephani iniuste recedente, Rex totam villam de Luitona et totum feodum dicti comitis quantum in ipsa villa erat, dedit cuidam militum suorum, Roberto scilicet¹¹ Waudari sibi fideliter adhaerenti. Quo facto praedictus Gilbertus de Cymmay eandem ecclesiam cum terra ad ipsam pertinente compelli nullatenus potuit de eo tenere, qui de praefato comite
 70 Gileberto cognato suo tenebat.

Cum vero eandem ecclesiam per sexdecim annos pacifice possiderat¹² tandem hydropisi percussus, ab omnibus medicis quasi desperatus derelictus est. Proinde Abbas Robertus eum saepius alloquens, desiderium suum de ecclesia de Luiton acquirenda discooperuit. Quo cognito idem Gil-
 75 bertus de Cymmay adquiescens, quicquid iuris in eadem¹³ ecclesia habebat, in manu Nicholai archidiaconi de Bedeford refutando resignavit. Statimque nepotem eiusdem Abbatis Gaufridum nomine, ne forte ab alio eadem ecclesia peteretur instanter et imperiose et sic auferetur, ipso archidiaconi consentiente, et etiam praefato Roberto de Waudari, cui idem Abbas con-
 80 sanguinitate coniunctus erat, hoc petente, impersonatum¹⁴ substitui fecit. Nec mora ipse Gilbertus de Cymmay cum filio suo Willielmo, habitum monasticum apud nos suscepit et in brevi post expiravit. Quo defuncto, Abbas Robertus considerans eiusdem Roberti de Waudari concessionem sive donationem regia sibi potestate traditam, firmam nullatenus nisi ad
 85 tempus fore cui de iure nil constabat competere, praenominatum Comitem

ll. 59, 60. If this refers to the bishops, as Riley's reading (⁹) implies, it is difficult to reconcile with the accounts of the Oxford meeting given in *Gesta Stephani*, p. 48, and Will. Malm. ii. 548. But with the present reading all seems well.

l. 62. A marginal note by some careless commentator in Nero, D. i, has caused confusion here: *Hic aufertur ius advocacionis ecclesiae de Luiton a comite Glovern. per Regem Stephanum*. 'Glovern.' is of course a blunder for 'Gilberto'.

ll. 64, 65. In 1147 (*Gesta Stephani*, p. 127; Gerv. i. 140) both Gilberts revolted; and it is still impossible to identify with certainty the Earl Gilbert of the story.

l. 67. Probably of Vaudreuil: he may be the Robert de Valderi of the 1153 grant to Westminster (*Monasticon*, i. 308), who is apparently the Robert de Valdari of the *Pipe Roll of 2 Henry II*, p. 52.

l. 73. The abbey had already lands in Luton (*Pipe Roll of 31 Henry I*, p. 60).

l. 76. 1154-81 (Le Neve).

l. 83. The title of Gilbert of Chimay depended upon his investiture at the hands of 'Earl Gilbert', whose possessions had been forfeited by rebellion; Robert de Waudari, finding the living occupied by Gilbert of Chimay, had had no opportunity of exercising the right of presentation. It was therefore natural to have recourse to the ultimate overlord, the earl of Gloucester, to whom the right of advowson would revert on his reconciliation with the king.

l. 85. William, since Robert had died in 1147; note 47 above.

⁸ *gestae* R.

¹¹ *de ins.* R.

⁹ *episcopis facto* R.

¹² *possideret* R.

¹⁰ *non multo* R.; probably preferable.

¹³ *ea* R.

¹⁴ *in personatum* R.

de Glovernia adiit, nec decessit donec ipsam ecclesiam ab ipso obtinuerit. Deinde ipse comes concessit ecclesiae Sancti Albani in perpetuum et charta sua confirmavit, quicquid de feodo suo memoratus Willielmus Camerarius tenuerat in soca Luiton et in Herteswelle et in Badelesdune et in Potesgrava pro servitio dimidii militis, quod praedictus Willielmus 90 Camerarius patri suo inde facere solebat: eo tenore quod uxor eiusdem Willielmi omnes terras ad dotem ipsius pertinentes tota vita sua teneret de ecclesia Sancti Albani, servitium faciendo dictae ecclesiae quod inde sibi fuerat factum¹⁵, haec¹⁶ adiiciens ut ea defuncta, ecclesia Sancti Albani totum feodum per dictum servitium in manu propria teneret. Porro pro 95 huius terrae concessione, Abbas Robertus dedit eidem comiti octaginta marcas. Adiecit etiam idem comes et scripto suo sanxit, quatenus huius donationis adversus omnes defensor esse deberet. Si autem iure alicuius praevalente, dictum feodum ecclesiae defensare nequiret, aut de eo (qui) illud iuste adquisisset eodem servitio tenendum daret, aut octaginta 100 marcas quas ab ecclesia Sancti Albani pro illo feodo suscepit, eidem ecclesiae restitueret. Et sciendum quod dictus Abbas Robertus tam Regis et Comitis quam multorum magnatum precibus inclinatus, praefatae mulieri non solum terram ad dotem ipsius pertinentem, immo etiam terram quam vir eius tenuerat, tantum in vita sua de ecclesia Sancti 105 Albani pro praedicto servitio dimidii militis tenendam concessit, cum ipsa seu vir eius nihil iuris in ipsa¹⁷ ut dictum est habuerat. Porro paucis evolutis diebus quia eadem terra in officium servitii militaris ut saepius praedictum est, redacta erat, idem comes de Glovernia, acceptis ab Abbate Roberto triginta marcis, huic ecclesiae praefatum servitium 110 dimidii militis ex toto remisit, cartamque suam tam de praedicta ecclesia quam de terra ad eam pertinente, super altare Beati Albani reverenter ac solemniter obtulit. Deinde saepedictus Abbas nullas moras annectens, confirmationem Regis Stephani de eadem ecclesia et omnibus ad eam

ll. 87-95. The whole of this transaction seems to show so strongly that the Chamberlain had left no heir, that I should hesitate to connect with him in any way the Willielmus Camerarius—who in 1211-12 owed one knight from his holding in the fee of Gloucester (*Liber Rubeus*, p. 607).

l. 98. He evidently considered that exception might be taken even to his own title; and with reason. In the next reign (*Vitae*, f. 1017) Luton was temporarily seized by the king on the ground that, being originally a Crown fee, the advowson and the lands of the church belonged to him. It cost the abbot much trouble and a heavy bribe to the powerful Richard of Poitiers (better known as Richard of Ilchester) before he could get his grant confirmed.

l. 111. This deed is preserved in Cotton MS. Otho, D. iii, f. 115. It has been printed by Mr. Cobbe (pp. 484-5).

l. 114. There are two charters of confirmation preserved in the Cotton manuscript: one of them the confirmation of the grant of the chamberlain's holding in Luton, Houghton, Hartswell, Battlesden, and Potsgrove; the other purporting to be a grant by the king himself of the church of Luton and its lands in frankalmoin. It is witnessed by Simon of Senlis, and so must be previous to August 1153, which makes it hard to reconcile with the chronology of the story. On the other hand, it is dated from Dunstable, where Stephen was early in 1154 (Hen. of Hunt. p. 290; Gerv. i. 157)—a more likely date. I do not see the purpose of the charter, and pending expert opinion, I regard it with suspicion.

¹⁵ *factura R.*¹⁶ *hoc R.*¹⁷ *in ea R.*

115 pertinentibus per Baldericum de Sigillo obtinuit, cui duas partes ecclesiae eiusdem principaliter de eo tenendas, petitione dicti Regis Stephani concessit, sicut et praedicto nepoti suo Gaufrido tertiam partem¹⁸ et Adae clerico eiusdem ecclesiae eandem terram concesserit¹⁹. Interea praedicta mulier viam universae carnis ingreditur, et tota terra quam tenuerat
120 ad dominium Abbatissae et monachorum ecclesiae Sancti Albani sine impedimento transfertur.

William Cade

I.

MR. JENKINSON'S conclusion that William Cade was a Christian usurer is confirmed by a rather unexpected authority, the canonist Robert de Courçon, who, writing c. 1202, says :¹

Item questio est de valetudinariis mercatoribus qui concedunt minori-
bus fenoribus summam pecunie ad mercimonias exercendas, tandem
recepturi capitale suum et desuper partem lucri cum illis communicantes.
Probatur ex dictis quod ipsi sunt feneratores. Quia hac intentione con-
cedunt talem pecuniam ut aliquid accrescat sorti ratione temporis, igitur
ex hoc sunt feneratores. Quod concedimus ; sicut de facto accidit de
Wilhelmo Cade, qui sic factus est ditissimus locando pecuniam suam
innumeris feneratoribus² decurrentibus per omnia mundi climata, cum
quibus ipse communicavit in lucro, reservato semper sibi salvo capitale.

Evidently Cade was a well-known capitalist whose business extended beyond the affairs of the exchequer and beyond England. His relations with the exchequer can be traced to the very beginning of Henry II's reign, when the surviving extracts from the lost Pipe Roll of the first year³ show him occupying the same relation to Dover as in the following rolls, and the Chilham charter in which he appears as a witness⁴ takes him back into Stephen's reign, where further light should be sought on the sources of his fortune and on his dealings with the government. The Cade family, I am convinced, belonged to St. Omer, for his continental debtors lived there or thereabouts,⁵ the charters

l. 115. Archdeacon of Leicester, 1158-89 (Le Neve). He witnessed the Westminster grant in *Monasticon*, i. 308.

¹⁸ *tertiam partem om. R.*

¹⁹ *concesserat R.*

¹ Hauréau, in *Notices et Extraits des Mss.*, xxxi. ii. 274 ; and in *Notices et Extraits de quelques Mss. de la Bibliothèque Nationale*, i. 184.

² *mercatoribus* is the reading of Royal MS. 9, E. xiv, f. 19^v ; and of MSS. Lat. 3258 (f. 80) and 3259 (f. 91) of the Bibliothèque Nationale.

³ *Red Book*, pp. 648 f. Mr. Jenkinson cites one of the three entries here given, but does not mention its date.

⁴ Haigneré, *Chartes de S. Bertin*, i, no. 215 ; *Archaeologia Cantiana*, iv. 205 ; Round, *Calendar*, no. 1327. The date is fixed by a confirmation by Anastasius IV, 17 November 1153 or 1154 (Jaffé-Loewenfeld, no. 9899).

⁵ As Mr. Round has pointed out, *ante*, pp. 522 f.

which he witnesses are for the abbeys of St. Bertin ⁶ and Clairmarais,⁷ and his sons Eustace and Arnold occur in two important municipal documents of St. Omer in May 1166,⁸ having perhaps returned thither after their father's death.

CHARLES H. HASKINS.

II.

I AM very glad that Dr. Round has dealt with a side of this important document which, except in so far as it showed the wideness of Cade's net, I was obliged to neglect; it need hardly be said that handled by him this point of view becomes extremely important and interesting.¹ With reference to the administrative side, which principally interested me, I would venture, though diffidently, to comment on Dr. Round's criticism. This occurs on pp. 524-6 of his notes and embraces really two matters of interest: first, my suggestion that the phrases *de debito Regis* and *pro respectu de debito Regis* attached to the statement of a debt owed by Maurice FitzGeoffrey confirm the possibility of a debt originally due to the king being transferred to Cade: and secondly, the statement of the Pipe Roll of 1165 with regard to the money owed by William de Caisneto that *fuit inde attornatus Isaac Iudeo per Rotulum Camere et per Rotulum Archidiaconi*, with a further entry in which William is again *attornatus Isaac Iudeo* in respect of another debt; the meaning of these passages being of course that William, in respect of his own debt, was to pay a debt of the king to Isaac the Jew.

With regard to the first point, Dr. Round observes, 'Maurice went out of office in 1163 with an adverse balance of £280 6s. 7d. "blanch". This is charged against him till 1166, when to the entry is added "sed attornatus est inde ad faciendum abbatiam unam"'. This is repeated till in the roll of 1176 he accounts for his debt at last' (by paying a certain sum into the treasury and having a pardon for the rest). Dr. Round then suggests that as the two sheriffs, Maurice and William, each 'remained liable for the full amount of his debt—though each debt was ear-marked, in the modern language of finance, for a special purpose—he had not borrowed money from any one towards paying it off'. I confess

⁶ *Supra*, n. 4.

⁷ Miræus, *Opera* (Brussels, 1723), i. 391; Laplane, *L'Abbaye de Clairmarais* (St. Omer, 1863), pp. 325, 329, 348. The mention of Abbot William shows that this portion of the document is not of 1145, as given by the editors, but subsequent to 1149.

⁸ Giry, *Histoire de S. Omer*, pp. 385-7, nos. 12, 13. For the trade of St. Omer with England in this period see Henry II's charter, *ibid.* p. 381; Round, *Calendar*, no. 1352.

¹ I have to thank Dr. Round for the correction of *Pont Audemer* for *St. Omer*. The readings of the text which he queries all, I think, represent the original faithfully with the possible exception of *Piron* and *Sankvilla*, the *n* in which might equally well be read *n* or *u*: *leberci* (l. 114), *Tresgoc* (l. 173), and *lebertus* (l. 180) are particularly clearly written as I printed them.

I could not myself find these two accounts strictly comparable for the present purpose unless in place of the words *ad faciendum abbatiam unam* we had found the words *Willelmo Cade*.

Moreover, research is now proving continually that from a date which is being put further and further back the Pipe Roll did not contain or represent anything like the whole of the king's financial transactions; receipts from Jews from almost the earliest date are obvious instances; the growing use of assignments is an important factor in the case; my own paper was principally directed to proving that there was evidence to support the taking of the date right back to the earliest part of Henry II's reign; and Dr. Round himself quotes (p. 526) evidence bearing very clearly on this point. Certainly the Pipe Roll debt which Dr. Round cites would have been partially cancelled (with a note of the reason) had some of it been discharged by Cade in consideration of its transference from the king to himself. But I did not suppose that the words *de debito Regis* referred to any Pipe Roll matter—I could find no evidence that they did. My contention was that Cade's appearances on the Pipe Roll and the contents of his 'Roll of Debts' were two quite distinct things, the first being the result of his loans to the king, the second referring to his loans to private persons; and that the two particular debts to Cade here referred to were incurred, as is shown by the added phrases, in connexion with debts due indeed to the king but not otherwise specified either here or in any other record. I can see no other possible meaning for the words: but I should not perhaps have made the deduction I did if these passages had not been mere supports to a view based on other ones which I mentioned.

HILARY JENKINSON.

A Contemporary Manuscript of the 'Leges Anglorum Londoniis collectae'

WHEN I first introduced the collection of English laws compiled in the city of London under King John¹ into the literary history of London and of English law, it seemed to exist only in manuscripts written as late as 1310 and even later. Some fragments only could be traced in codices as old as 1210 and 1230. The identification of the whole work as the product of one author contemporary with Magna Carta had, therefore, to be based on internal evidence alone, chiefly on the unity of political views and literary style.

The unexpected discovery of a coeval manuscript unknown to all the editors of Anglo-Saxon and Anglo-Norman law and of the earliest London charters, now enables us to test and confirm the

¹ *Leges Anglorum saec. xiii. in. Londoniis collectae*, Halle, 1894.

results arrived at by historical criticism. All the pieces that I had theoretically claimed as the work of one compiler exist here in regular order and without any interruption from that extraneous matter which (merely by means of a somewhat intricate reasoning) I had stigmatized as later interpolations. But, as in a similar case, when Giesebrecht had reconstructed the annals of Altaich from many sources it was Oefele who rediscovered the *Annales Altahenses* in a complete context, so likewise it is not to me but to Professor T. F. Tout that the literary world owes gratitude for the discovery of the earliest and coeval manuscript of the above-named *Leges* in a Manchester codex. When in 1909 he generously informed me of his happy find, I rushed to Manchester, took in haste some notes of the manuscript, supplemented them later on by a full collation with the *Leges Henrici* (kindly procured by him), and then put my notes at his disposal. For four years I cherished the hope of seeing my theories criticized by this competent scholar. But last April he committed to me the task of publishing his discovery. I, therefore, spent another week in the John Rylands Library at Manchester, where the librarian, Mr. Henry Guppy, courteously gave me a photograph of one page (f. 51^r) of his codex no. 174²: it is only owing to this act of kindness that I was able to ascertain the identity of handwriting with the British Museum Additional MS. 14252, the second volume of the same work.

The Rylands MS., which I shall call Rs, contains the earliest text not only of the whole collection *Leges Anglorum*, but also of two most important documents embodied in it, viz. of *Leges Henrici I*, and of Henry I's London charter in the form which mentions for the first time the London *ward-imot*. The codex often confirms the conjectures ventured by former editors and by me. Unluckily it does not help to cure one of those few bad corruptions of the text which up to now seem incurable. It is no mean merit of Rs that it shows us, in the work of an early contemporary of Magna Carta, all those imperial aspirations of English politicians to Great and Greater Britain, and to an unlimited sea-power over north-western Europe, all those constitutional aims towards a parliamentary control over government, especially taxation, and that advocacy of free commerce fettered only by London's privileges, which to Stubbs's keen ear sounded so precocious for that time that he considered the author who was the first to express them to have lived under Edward I. That such a political programme originates from the beginning of the thirteenth century could hitherto only be inferred by means of laborious arguments; now, however, it stands beyond doubt.

² A former number was 16980.

The manuscript was bought for the splendid Manchester collection from a bookseller, who declined to name its former owner. *Richard Talbott*, whose name in a hand of the seventeenth century stands on f. 1^v, may have been a possessor; other old possessors' names, entered on f. 1, were in Manchester light, dimmed by snow and rain, illegible to my eye. On f. 2, a passage beginning *Aqua Thome quinquies varians colorem* treats of the miraculous blood-water of St. Thomas of Canterbury; and the same hand of about 1300 appends (f. 2^v) a liturgy for him. These two leaves and the last, f. 127, are fly-leaves.

The original part of the volume, ff. 3–126, is ruled, written, and illuminated throughout in the same way. There are twenty-four lines to the page; at the beginning and at the end of the space to be covered with writing two upright lines are drawn down each side. The breadth between these two lines is 11½ centimetres, the height from line 1 to line 24 is 16 centimetres.

A jurist interested in the City of London has scribbled on the margins of many pages divers remarks about the practical value of the legal contents of the volume for his own time, viz. the reign of Edward I. At the beginning of Henry I's London charter he puts: *Utilis inspicienda*; and (f. 45^v) where Cnut (ii. 48) requires compurgation from the charge of resisting the exactors of ecclesiastical taxes, this lawyer writes in the margin: *Ista lege utitur fere rex Edwardus filius H. regis, facta prius quadam ex officio inquisitione*. Cf. below, f. 18. For the most part, indeed, these marginal entries merely abbreviate the text and therefore lack original value. One word, however, deserves to be noted. Where the *Leges Anglorum*,³ in the main following the so-called Edward the Confessor, describe frankpledge, *tienmannetale*, *Anglice freborgh*, he puts in the margin f. 20^v: *Hic facit mencionem, quod omnes debent esse in tenmanborgh*. Is this a ghost-word, combined by an antiquary from two genuine elements? This jurist confuses Eadmund, the legislator in *Leges Henrici* 88, 12, with the sainted martyr king of the same name.

The original scribe's hand has been assigned by palaeographers to 'a few years' after 1158.⁴ But as the author mentions Henry II's queen as dead (*Alienor vocabatur*) and seems to allude to the loss of the French possessions under King John (f. 125, 125^v), this volume must date after 1204. Possibly the somewhat crooked penning of strokes which ought to be straight betrays the trembling hand of an old man who had learned writing more than a generation before. As a peculiarity of his orthography may be mentioned *g* for *i* with the force of *j*: e.g. *pergurio* Wl art. Lond retr. 12; *Troga* E Cf 32, B 12; *degecerit* Hn 90, 11 c. Probably to *his* grammar, and not to the author of the *Leges Anglorum*, belongs the construction of *in* with the accusative where classical Latin would require the ablative.

³ p. 20, § 11, 8.

⁴ *The John Rylands Libr.* (Manchester, 1912), p. 47.

While a class of later copies of the *Leges Anglorum* prefixes to this work a treatise not belonging to it, viz. the *Expositio vocabulorum*⁵ in an interpolated form, Rs correctly begins with the piece *De numero provinciarum* = *Leges Angl.* p. 4 n. 2. This chapter counts *episcopatus viginti octo* (*ibid.*, p. 5), but the last two words are written by the scribe on an erasure.⁶

Rs f. 3^v. *De numero hydarum Anglie in Britannia* = *Leges Angl.* p. 8 n. 3. The strange localization *Anglie in Britannia* is written by the scribe on an erasure. *Myrcheneland est de xxx^{ia} hydes*; the word *mille* is left out, as in the other copies. The so-called Burghal hidage, f. 4 (*Threohund' hyd' hyrað to Heorepeburan, &c.*), ends with the corrupted line *to parlingewice feower 7 xxiixi hund hyda* = *Leges Angl.* p. 9 n. 3 a.

Rs f. 4^v. *Incipiunt leges Ine* = *Leges Angl.* p. 11 n. 4 a. I have collated Rs with *Gesetze der Angelsach.* i. 89 seqq. as far as c. 27 = Rs f. 6. The variants agree exactly with those there noted under the designation *Lond*, i.e. *Leges Angl.* The *ciricsceatt* appears here corrupted into *cyriceat*; instead of *hereteam* Rs reads *-tiem*; very often the corruptions of K, i.e. the London *Liber custumarum*, are also in Rs, for instance *Ine* 4⁹, 11 *homo* and *duo de culpa* for *hoc* and *duodecuplo*; so are the omissions 3, 15, 18¹⁸, 24⁸. Sometimes not the collector of the *Leges Angl.* but the would-be corrector of the MS. seems responsible for corruptions; for instance *gebur* is altered in *Ine* 6, 3 in both cases into *tjebur*, the reading of K. If ever *Quadrupartitus* is re-edited, Rs ought to be collated and constituted as the basis of the London class of MSS.; but I have not discovered any place where the sense of my edition of this Latin translation will have to be altered. *Ine*'s last paragraph 76, 3 is left out by Rs, as in the original of the rest of MSS. of *Leges Angl.* (n. 4 b), most likely because this passage mentions *episcopi filius*, which in King John's age was no longer understood as a godson at confirmation.

Rs f. 9^v. With a coloured initial *Diximus de blaseriis* = *Leges Angl.* p. 11 n. 5 = *Gesetze*, i. 389, col. 1. Where *Quadrupartitus* reads *abnegatio*⁴, Rs has *neg-* and K *negotatio*.

Forfang = *ibid.*

Rs f. 10. *De hundredo tenendo* = *ibid.*, *Gesetze*, p. 192, col. 2. Here also the readings of Rs mostly agree with K, a fact that I shall not mention any more in what follows. The word *ceapgild* in I Eadgar 2, 1 is modernized by Rs into *sc-*. The more original reading 6, 1 *in terra* is preserved by Rs alone among the London MSS.

Rs f. 10^v. *Nullus vendat equum* and *Una moneta de argento* = *Leges Angl.* p. 12 seq. n. 6 seq., two pieces which I called Pseudo-Ine. Rs reads 6¹ *presumat* where I had supplied *audeat*, l. 3 *pannis*, l. 6 *deportentur*, 7 l. 2 *thelonei*. *Regnavit ab australi meta regni usque ad septentrionalem mercam* (this word, though wanting in the other MSS., is original; see *Leg. Angl.* p. 20 n. 12) *regni Britannie illustre* = *Leg. Angl.* p. 14 n. 8. The collector, therefore, ascribed the pieces on f. 9 seq. to Ine.

Rs f. 11. *Hec sunt leges Ælfredi . . . Ego . . . collegi* = *Leg. Angl.*

⁵ *Leges Angl.*, p. 1.

⁶ On the island of Gurth see my *Gesetze der Angelsachsen*, ii. 758, col. 2, l. 14 seq.

p. 14 n. 9, beginning from *Gesetze*, p. 47, c. El. 49, 9. The biblical introduction is omitted.

Rs f. 17^v. *Concilium* [sic] *Alfredi et Godrun* = Leg. Angl. p. 15 n. 10 = *Gesetze*, p. 127. Instead of *clene bec* (129¹⁴: clean back) Rs reads *denbec*; K has *denebet*.

Rs f. 18. Without break *Si quis rectum* = Leg. Angl. p. 15 n. 10 a = *Gesetze*, p. 394 ('Appendix ad Alfred-Guthrum'). The last three and a half lines are omitted as in K p. 395¹⁸. Rs does not help to correct the text. The marginal addition of two later MSS. about the lord's liability for his mainpast is also in Rs, here however by the hand of the jurist whom we have mentioned before: *Sciendum quod ista lex tenetur tempore regis Edwardi filii regis Henrici*.

Rs f. 18^v. *Alia contra* (so too K; corr. *concilia*) *Aelured et Godrun* = Leg. Angl. p. 15 n. 10 c = Eadward-Guthrum, *Gesetze*, p. 129.

Rs f. 20. *Fornicacionem . . . roboriam* = Leg. Angl. p. 16 n. 11 ('Pseudo-Alfred'). In 11, 3 Rs reads *Pacem . . . per . . . regnum pono*, in 11, 4 *Nullus supersedeat hut hornt nec uth hest vel burblotam vel brigbotam* (wanting in other MSS.) *vel et firdfare*. A trace of Anglo-Saxon *ge-* weakened to *i-* lurks in *folkesimoht* 11, 9.

Rs f. 20^v. *Regnavit . . . Godrun. . . Alwredus* = Leg. Angl. p. 20 n. 12.

Rs f. 21. *Hic incipit decretum Aelstani* = Leg. Angl. p. 21 n. 14 = *Gesetze*, p. 147, I Æthelstan.

Rs f. 21^v. *Secundum. De elemosinis . . . Ego Alstannus notifico* = Leg. Angl. p. 21 n. 14 a = *Gesetze*, p. 148: as Alm. *Tercium. De iusticia regni tractanda vicesimo secundo capitulo determinatum, id est ne parcatur alicui furi ad manum habenti*, a confusion of the number of chapters with the first rubric = Leg. Angl. p. 21 n. 14 b = *Gesetze*, p. 151.

Rs f. 25. *Quartum. Qui* [as other MSS. for *Quid*] *pertinet episcopis* = Leg. Angl. p. 21 n. 14 c = *Gesetze*, p. 477 ('*Episcopus*') to the end *ut* [so for in p. 479²⁴] *Dei omnipotentis iudicio. Amen*. The latter part of this piece after § 9 is counted as *Quintum* Rs f. 25^v.

Rs f. 26. *VI. De regis weregildo* = Leg. Angl. p. 21 n. 14 d = *Gesetze*, p. 459 ('Northleod').

Rs f. 26^v. *VII. Cheorles weregildum* = Leg. Angl. p. 21 n. 14 e = *Gesetze*, p. 463 ('Mirce'). *VIII. De weregildo twelfhindis* = Leg. Angl. p. 21 n. 14 f = *Gesetze*, p. 465 ('Ath.').

Rs f. 27 [*Quot sunt dona Spiritus sancti*, an inscription here written in the margin about 1300, but in the text of the other London MSS.] = Leg. Angl. p. 21 n. 14 g = *Gesetze*, p. 465, col. 1 ('Had').

Rs f. 27^v. *Decretum . . . Exonie* = Leg. Angl. p. 22 n. 14 i = *Gesetze*, p. 171, IV Æthelstan.

Rs f. 28^v. *Decretum Aelstani de pace* = Leg. Angl. p. 22 n. 14 k = *Gesetze*, p. 167, V Æthelstan.

Rs f. 29. *Decretum episcoporum et reliquorum* (for *aliorum* of other MSS.) *sapientum de Kancia* = Leg. Angl. p. 22 n. 14 l = *Gesetze*, p. 170, III Æthelstan.

Rs f. 30. *Decretum episcoporum et reliquorum* (for *aliorum* of other MSS.) *sapientum London.* = Leg. Angl. p. 22 n. 14 m = *Gesetze*, p. 173, VI Æthelstan.

Rs f. 33^v. *De ordalio* = Leg. Angl. p. 22 n. 14 n = *Gesetze*, p. 386.

Rs f. 34. *Regnavit . . . Aelstanus . . . Expliciunt leges Adelstani* (other MSS. *Ael.*) *regis* = Leg. Angl. p. 22 n. 15. The collector of the *Leges Angl.*, therefore, ascribed to Æthelstan the contents of ff. 25–7 and 33^v. Not he, but a later interpolator, appended to the ordeal the Old English *iudicium Dei*; cf. *Leges Angl.* p. 23. *Post pacificatam Britanniam Chnutus* = *Leges Angl.* p. 26 n. 17.

Rs f. 35. *Hic incipiunt leges Chnutonis* = *Leges Angl.* p. 27 n. 18 = *Gesetze*, p. 279, col. 1. Between II Cnut 28, 1 and 29 Rs leaves ff. 43^v and 44 almost entirely vacant, as if the scribe supposed that another piece ought to be inserted.

Rs f. 50. *Istas leges, quas Angli dicunt Eadwardi regis, ex Chnutonis primum institutione diductas esse, sicut ab antiquis accepimus, compendiosa posteris brevitate transcurramus. Predicto namque Eadwardo, Ælredi regis scilicet filio, in regnum revocato, mediante Ailwino Wintoniensi episcopo et Godwino comite, convocatis apud Hiertesheved totius Anglie baronibus, ita demum in regem suscipiendus auditur, si eis Chnutonis leges et filiorum eius inconversa stabilitate suo tempore mansuras iuramenti satisfactione sanciret.*

These lines are verbally copied from Quadripartitus, Argum. 1, 9, in *Gesetze*, pp. 532 seq.—Rs f. 50^v vacant.

Rs f. 51. *Decreta . . . Willelmi bastardi . . . Hic eciam intimatur* = Leg. Lond. p. 32 n. 24 = *Gesetze*, p. 489 ('Wl articuli Londoniis retractati'). Rs is the oldest MS. of this interpolated form. Here are its variants from my text ⁷:

1^s *quidem* (as Or) . . . *Scottos . . . provinciarum*¹³ *et patriarum, que. . . .* 6 *wapentagias*. 9 p. 491¹ *modis omnibus* (as Co) . . . *sancitum*³. 10^s *ueitam . . . deperiri*¹⁵ . . . 11, 1²⁰ *ciuitates sile*. 12²⁴ *pergurio*. 12, 3 *probare noluerit*. 13³⁰ *precipimus . . . ad autis*³². 14 *plegius habeat*³³ *eum*. 14, 3 *ceapgel*⁴². 15 *prohibimus*. 17⁸² *uiuus remanecat . . . weram*⁸⁵. *Testibus wanting* [a better reading than that of the other London MSS.].

Rs f. 53. *Leges boni regis Eadwardi quas predictus rex Willelmus postea confirmauit* = Leg. Angl. p. 38 n. 25 = *Gesetze*, p. 627, col. 2, Edw. Conf. Londoniis retractatus. All the long interpolations noted there under the designation Lond occur here; some lines, omitted in later MSS., are preserved to us in Rs alone. The order of the chapters is inverted and some are left out in Rs just as in Lond. I note here only readings which differ from my text and from the Lond variants:

1²² *primum cor. r. conf., ut*. 2, 1 *octabas*. 2, 5 *Novembribus*. 2, 8¹⁵ *seu*. 2, 9 a²⁴ *forisfecerit*. 5⁵ *p.c. . . . ullatenus*⁸. 6, 2 *eius wanting*. 6, 2 a *dicitur ulfes hefet*. 7, 1² *habuit*. 8, 1²⁷ *decima*. 8, 2 *nonas partes*. 8, 2 a²⁴ *iusticias*. 8, 3 *conc. s. a rege hec*. 8, 3 a *tum temporis*. 9, 1³⁰ *Dominum*. 10¹ *De Romescot*. 11 a *eorum quod insol*. 11, 1 A 1^s *Pinpinnus*. 11, 1 A 2 *D. u. rex de i. o*. 11, 1 A 3 *insule omnes*, interlined above: *Occidentalis oceani . . . regni huius . . . regis et regni*. 11, 1 A 4¹¹ *enim*. 11, 1 A 5¹⁴ *LXVII*. 11, 1 A 9⁵ *d. u.* 11, 1 A 10 *habere d. se., lu . . . illustre. in suo regnabit regno. Omnia, clearly better*. 11, 1 B *centesimo wanting . . . Eleth . . . regi Britonum*. 11, 1 B 3 *iudicium tuum regi da et iusticiam filio regis supplied from the Vulgate*. 11, 1 B 4 *populi pulli vestri*, doubtless original . . . *protegere et r. et ab i. et malificis*. 11, 1 B 7 *nomen regis nomen in nonsense*. 11, 1 B 8 *Patre et Spiritu sancto vivit et regnat Deus per infinita seculorum secula. Hec actenus*. 12¹⁶ *grid*.

⁷ I repeat the numbers of the notes in my *Gesetze* in order to facilitate the finding of the word I mean.

12 a natalis. 12 c Wadigestret, F., Hichinidestret, Erningestret. 12, 1 iudicio for. u. 12, 2 fiat, opus des., so punctuated. 12, 4³⁵ sochaman. 12, 6 p. 639² othe. 12, 7¹¹ assultu. 12, 9²³ fuerunt. 12, 10²⁸ more solito. 12, 10 A 2 viceconsules olim v., better. 12, 11 eis que n.s.b., more original. p. 640² sunt. 13⁹ follows c. 16-16, 2: De inu. murturi ... quidem¹⁰ const. et i. f. in d. Chn. ... Daciam¹⁷. 16, 2 interficeret si ... est²³; follows 13, 1. 13, 1 A Noricorum et D. p. m. Aldredi (clearly better) r. in Britannia. I. u. Cn. p. r. Danorum et ... Lachiman r. Swedeno ... Norweie ... Herewot⁷ ... matris regis ul. Eadw. ... regnum istud inf. 13, 1 A 2 uim¹¹, quod posset. 13, 1 A 3 magis regnabat 14¹⁸ only De th. without in t. a. et i. 14, 1²² follow c. 37-39, 2; 36-36, 5. 37 omnium subs. 38, 1 Et wanting. 38, 2 burgo uel u. uel h. 38, 3 alia aliqua. 39¹⁸ Item de ... et burgis, q. A. u. fleisman- [Rs f. 60] geres. 39, 1 natalis ... queratur⁴ ... 'placet?'⁹, clearly better. 36, 1 ei mensis unius t. altered into m. et unius diei t., less original. 36, 2 isti octodecim u. disr. ... possent r. 36, 3 Et primum. The line emendat-36, 4 defecerint, wanting in the text, is in the margin ... disr. f., quod iniuste²³, as my emendation. 36, 5 interficerit²⁸. 15 L. m. after 36, 5 ... alicui³. 15, 2 Quodsi¹⁰ ... uilla illa¹⁴. 15, 4 per quod ... baronis c. sigillaretur et ad thesaurium, altered into -rarium. 15, 5 in²⁰ ... haberi²². 15, 6 Sin ... non³⁸ wanting. 15, 7 h. aut f. e. solus fide as below 32 A 11 ... illas⁵ interlined ... quadraginta⁶; follows 18. 18¹⁷ quismam. 19²⁸ pueribus ... murturati³⁸. 19, 2 perdunt⁶. 20⁸ friborgiis ... tynne manne tala. 20, 1 a lege te. eis. 20, 3⁴ heauod. 21¹⁸ sub f., interlined suo. 21, 1 socham et tollis et t. et infangeneþief. 22, 1 quislibet³⁵. 22, 2 thelonium⁴⁴. 22, 4 De infangeneþief. 22, 5 regia¹⁵ ... syris¹⁸. 23 chud oðthr unchut. 23 b Quos. 23, 1⁸ Twa ... hinen⁴³. 23, 4 hundredi v. syre. 24, 1 Prefectus uero. 24, 3 sache et soche o. tradet. 25 est⁸ wanting ... quislibet¹⁴. 26 Item de pace regis ... eis²⁸ est. 26, 2²⁷ astrikilthet. 27² unde ... schira. 27, 2 pentecosten. 28⁹ tiendeheueddes ... quos decanus. 30 Item de h. et w. Warewicheress, Nicolesyre, Notingehamsire, Leicestresire, Norhamtunesire u. ad Wathking. et VIII u. Wadinges. 30, 2 Cum quis. 30, 4 wepene. 31 Item de t. 31 a trehingrefe; ad h. diff. ... defi.³³ 31, 2 trihing⁴ ... tr. defin.⁷ 32, 1 Gridh. Greiue ig. d. i. q. 32 A ald. uoc. ... essent et iuris. 32 A 1 uiccomitibus, as I emended. 32 A 3 mothbelle ... dicunt et vocant folkesimoth. 32 A 5¹³ o.p. 32 A 6 folkesimoth twice. 32 A 8 Eadwardi generally. 32 A 11 felagus eius solus fide as above 15, 7 ... rex⁸, as supplied by me. 32 A 12 sancte Marie ... iusta quod d.; et hiciro ... et¹⁸ iusticiarios d. r. 32 A 13 wapentagiorum. 32 A 15¹⁷ h. c. 32 B heretochis et l. Londonie et de u. ... animosos²³ ... Gallos²⁴ uero dicuntur ... fuerit²⁷. 32 B 1 folkesimoth (so 32 B 8, 10) ... cum s.³⁰ o. adfuit uel adfuerit. 32 B 4 syre. 32 B 5 wilam. 32 B 6 gemoto id est de placito, an explanation, possibly by the scribe. 32 B 8 erit e. heretoch. 32 B 10 et per prouincias. 32 B 11 syregemoth. 32 B 12 D. itaque²⁵ in. 32 B 12 a Troge in se. 32 B 13 supersunt ... immobilitate seruat ubique, ub., more original ... veteres constitutiones. 32 C 1 sanguine Saxonum Germanie, scilicet de sanguine An., an original line wanting in later MSS. 32 C 2 Ine ... angelum⁷ ... manentium⁹ wanting ... post susceptam f. 32 C 3 i.¹² t. wanting ... u. s.¹⁸ ... Britannie et ita coaduniuit insimul monarchiam Britannie; these six words are omitted in later MSS. 32 C 4 Britanniam¹⁸; on this accusative see above, p. 734 ... de genere Britonum nobilium ... principum, com., proc. ... Ine wanting. 32 C 5 genere Pictorum. Picti uero uxores suas ceperunt de inclito sanguine et genere Anglorum: here Rs preserves a line wanting in later MSS., which is absolutely necessary for the sense; but it is a mere invention of the author of the Leges, without any historical value. 32 C 6 sedulitate celebravit, original, because in Quadr. Ine Prol. 32 C 6a fuerunt deinde gens. 32 C 7 uiriliter et strenue c. D. et Norwienses. 32 D octingenta, like the source Galfrid. The other variants mostly agree with K. 32 E⁴⁷ Femeland ... orientalis. 32 E 1 Fueruntque ... Fueruntque enim. 32 E 5 Norwigienses. 33¹ m. uocatur regnum Anglorum ... Sudfolgie⁴. 34¹² o. f. ... asseribat²⁰ se. 34, 1 regni²⁸ ... deprecati³⁰. 34, 1 b demisse¹⁸. 34, 2 b Aldredum³⁰. 34, 2 c²⁸ fuerunt. 34, 3³³ r. E. ... dedita²⁸ ... eam⁸ extrahit. 35 Quem r. t. illius (better) Malesclotus. 35, 1 eadeling. 35, 1 A⁵ insignis. 35, 1 A 1 Eadwardi twice ... uestri⁹, as corrected by me. 35, 1 a³ Christina s. E. Adeling. 35, 1 d²³ ead. 35, 1 e²⁵ Saxonidi. 35, 2 Haraldi ... Eadgaro¹³ adeling.

Rs f. 73. Item de ducibus Normannorum in Neustria que modo uocatur Normannia. Primus Normannie dux Rollo = Leg. Angl. p. 64 n. 26, edited

by me *Über die Leges Edw. Conf.* p. 134, with collation of Leg. Angl. I note here only variants from Lond.

134¹⁶ *annis* is in Rs. 135⁴ *bastardus*. c. 2¹⁰ *Eldr.* c. 3¹¹ *Aldr.* 4¹⁷ *Swenus*. 5²² *Suenno* . . . *Edeldr.*², better. 6¹¹ *uero* for *II*^o, a proof that Rs is neither autograph nor the source of any other MS. 7¹⁵ *primo*. 8¹⁶ *filius*, wrongly. p. 136 c. 8 a *Eadw.* generally . . . *infante*²¹ . . . *Gerneswic*²². 8 b²¹ *N.u.* 9 *Haraldus* (*Herewodid*, interlined), better without *quoque*. 10 *Hardechn. a D. regr.* 11 *Eadw. rex.* The * notes on pp. 137-8 are in Rs . . . *regno*²⁷ *suo*. 12 without *itaque*³¹. 12*** The words *et una cum*—*exhereditavit* are in the margin 12 a *Peneu.* . . . *Hastingas*. p. 138* *strenuus et ma.* 12 b⁴ *protracto*. 13 *natalis* . . . *** *O. in Normanniam*⁸ . . . *Cadamum*, better . . . *Matillis o. in Normanniam*⁸ . . . *Cadamum*. 14 *annis uiginti*, for the correct *XIII* of all the others. 14 a *eius*²¹ *et regnavit annis triginta octo*, an error of some other MSS.

Rs f. 74^v. *De secundo Willelmo rege* = *ibid.* p. 139, § 15.

The notes * and ** are wanting in Rs, better. p. 139*** *Wintonie* . . . *de Roberto* . . . *neque firmatum*, without *lege*, better . . . *Dum uero collectio*, the right reading, as copied from Edw. Conf. retr. 11, 3 . . . *Picti interfecti fuerunt*. The last line *Iste—est*, is not original, wanting in Rs.

As the verses on William II printed from late MSS. in *Leges Anglorum*, p. 67, are wanting in Rs, they probably did not originally belong to this collection; see below, f. 124.

Rs f. 75. *De primo Henrico rege.*

Cui⁹ successit Henricus, frater eius, et regnavit annis triginta sex. Hic erat pastor ferarum et custos nemorum. Fuit etiam sapiens et strenuus dux Normannie, quem Merlinus Ambrosius Leonem iusticie in Hystoria regum nominavit. Fecitque enim iudicium et iusticiam in terra. Duxitque uxorem generosam et optimam de nobili genere Anglorum et Britonum, per quam multum sibi confederavit regnum, scilicet filiam principis sui Albanie, uita et moribus ornatam, sororem scilicet Alexandri principis sui Scocie et Dauitis Scocie, qui postea fuit princeps Albanie. Cui uero rex Henricus prefatus dedit honorem de Huntindone cum Matille¹⁰ cognata¹¹ sua, que erat uxor prius primi Symonis de Senlizi comitis de Huntindone et de Norhamtone cum custodia puerorum suorum. Et sic concordēs ad inuicem deinde effecti fuerunt, quia predictus Alexander uendicauit sibi iure hereditario coronam et monarchiam totius regni predicti sicut uerus heres et iustus de iure boni regis Eadwardi ultimi. Dilexitque Deum super omnia ditauitque sanctam ecclesiam in multis per¹² loca fecitque bonum in quantum potuit malumque deleuit. Uocabatur Matillis¹⁰ regina optima. Obiit uero predictus rex Henricus in Normanniam¹³ apud Liuns. Sepultus enim fuit in Angliam¹³ apud Redinges in abbaciam¹³ quam construxerat. Regina enim Matillis predicta sepulta fuit in Angliam¹³ apud Westmonasterium. Cuius anime propicietur Deus!

⁸ Incorrect accusative; see above, p. 734.

⁹ The words in smaller type are copied from the *Genealogia Norm.*, in *Über die Leges Edw. Conf.* p. 139. This piece was printed by Riley, *Munim. Gildhal.* ii. 650, from K. Two other MSS., Co and Or, of the *Leges* offer almost no variant. I print here only those few pieces which I had not yet edited in *extenso*. For material explanation see my *Leges Anglorum*.

¹¹ cognate (also Co) *sue* Rs; cf. *Leges Angl.* pp. 65, 69.

¹² *p. l.* over the line.

¹³ *-ia* other MSS.; the same accusative below, f. 124, note 15.

¹⁰ *-Ida* other MSS.

This chapter is art. 29 of the *Leges Anglorum*, p. 68.

Rs f. 75^v. *De libertate ecclesie et tocius Anglie obseruanda leges Henrici primi* = *Leg. Angl.* p. 69 n. 31, *Gesetze*, p. 547. Here Rs is the oldest MS. that exists; its various readings, therefore, deserve to be carefully noted. For the most part they agree with the class which I call Lond, especially with K. Rs. does not number the chapters. Pro. 2⁴ *quesumus* in full. *Matilde*.⁶ [c. 1] *Carta predicti primi Henrici regis pro iniustis exactionibus et occasionibus a secundo Willelmo rege, fratre suo qui Ruffus uocabatur, regno illatis* = C Hn cor, *Gesetze*, p. 521, col. 3. All the Lond interpolations are in Rs: c. 1¹⁰. 1, 1¹⁴, 1, 2 *suppono*. 11³⁹ *defendunt et des.* 11⁴² . . . *fideliores*⁴³. 14, 1⁵⁵ . . . *abbate Crispino* without G. p. 523⁶ . . . *Giffard comite*.⁸

Rs f. 77. *Epistola eiusdem omnibus fidelibus suis*; [Hn 2 = Hn Lond] *Gesetze*, p. 524.

Pro. ⁵ *iusticiis*. 1 *Londoniarum*, this late form occurs several times . . . *iusticiam* *qualem* without *quemc. uel* . . . *custodienda* . . . *et*⁴ *ad*. 2⁶ *nullo*. 2, 1 *eschot et de loth.* 4 *hospitium*¹⁹ wanting . . . *liberatur*¹¹. 5¹² *res e.* . . . *theloneo*¹⁴. 6¹⁸ *t. et h.* . . . *hospitabuntur*¹⁹ . . . *soca*²². 7²⁵ *ad*. 8²⁷ *-ge* . . . *folkesimote*²⁹. 10 b *wardimotum*. 12 *receperit*³⁸. 13 *debita*⁴¹ *sua* . . . *Londoniis* . . . *de burgo u. u. u. de* wanting. 15⁵ *Siltre e M. e S. Test.* . . . *Richier* . . . *Aluef.* . . . *Alb. spiñ* . . . *Munfichel*¹³ . . . *Tane*¹³ . . . *Sau*.¹⁷; without *Datum*¹⁸.

[Hn c. 3 *Gesetze*, p. 547.]

*pertractione*²¹ . . . *discernende*²⁶ . . . *acceptione* . . . *pace*²⁸ *potius*. 4, 2 p. 548¹ *compellens*. 4, 3² *aminirab*. 4, 7 *diducat*. 4, 7 a *iperb*. 5, 2³⁹ *ante* for a *non*, later Lond MSS. continue this corruption altering the following ablative. 5, 3⁴¹ *h. l.* 5, 4 *recedere licet*⁸, perhaps better. 5, 6¹² *pares*, proposed by Somner; the author means the doomsmen. 5, 13³⁰ *suam* wanting, better, as I pointed out. 5, 14³⁵ *conuictum*. 5, 16 *req. ab eo*. 5, 17¹³ *non*. 5, 19 *poteris*. 5, 23 *uel*¹³ *sedem*. 5, 24² *prou.*, better. 5, 26¹⁷ *esse*. 5, 29²² *erit*. 5, 32² *ille*. 6 *De triperiticione r. Britannie et au. l.* 6, 1 *diu et in regno Britannie*, these words, interpolated into Hn, are interlined. 6, 1 a *multe*. 6, 2 a²³ *hec* . . . *frequentamus*. 6, 3 a³⁰ *-latis*. 6, 5 a³⁷ *non* wanting. 6, 5 b *et o ! rabiem*, possibly original. 7, 2² *uicecomites*, *herthohei*, *treingreuei*, *leidgreuei*. 8, 1 b^d The interpolation agrees in part verbally with *Magna Carta* 39. 8, 2¹¹ *causa* ought most likely to go into the text . . . *et*¹⁵ *wanting*, better . . . *uel*⁴ *wanting*. 8, 2 a¹⁰ *uero* wanting. 8, 7²¹ *-runt* . . . *circumpos*.²³, possibly better 9, 4 a²² *caus*. 9, 6³⁰ *plena*. 9, 9 *Nemo enim*. 9, 10 a⁴³ *parcio est ad*. 10⁷ *legis*. 10, 1¹⁰ *et* . . . *per breuem date* . . . *mortis*¹⁷ . . . *forestal*, *fyrðinga*, *flemenfirma* . . . *sterb*.²⁵ . . . *algarū*²⁷ . . . *r. u.*²⁸ *f.* 10, 2³⁷ *quals*. 10, 3³⁸ *cognato*. 11, 3 *Romfeach*. 11, 4 *wanting*. 11, 7¹⁶ *helfeng*. 11, 11²⁴ *laslið* generally. 11, 11 a *illic*. 11, 13 a *morāgyuam*. 11, 13 b *maritus eius*. 11, 14 *ei reddat ad*. 11, 14 a *eius uenia*. 12 *debeant, que non*, better. 12, 1 a *Q. em. n. p.*, better . . . *piepe*. 12, 2 *griddriche*, *streb* . . . *flymen*. 12, 3 *posset*²⁷. 13, 9 *burchb*. . . *fyrðf*. 13, 12 *quam d. ei dominus*. 14, 5 a *uixit*. 15 *Dan*. . . *þingeman*. 16, 1 *Nam*. 18 *F. compellatus*, possibly better. 19, 1 *que*¹⁷ *wanting*. 19, 1 *in quecumque*. 20 *socna* without *et t. et t.* 20, 2 *Item*. *Arch.* . . . *potestatus* . . . *socam h. thol et thiam et infangeneþief*. 20, 2²⁸ *crauati*, as proposed by Somner. 20, 3 *regis*, *Edmundi* wanting. 21 a *premissa* . . . *socam*. 22 *De grindeb. et hamsochna* . . . *-socam*⁹ . . . *socam*¹⁰ *et sacham* . . . *preposteri*¹⁴. 23 *Item de foris*. 23, 1 *fuhetw*.²⁸ . . . *diuid*.²⁹ 23, 2 *wichterthilam*. 23, 3 *I. decimus*. 23, 5 *conscencio*⁴⁰. 24, 1⁴⁸ *habuit*. 25⁵ *-io*. 26, 3 *nel*⁹ *semel*. 27 *uauassores* . . . *crauati*. 29, 1 a *uel*¹⁰. 29, 1 c¹⁵ *cummonitis* . . . *estimasset*. 29, 3 *hundretum*⁵⁰ . . . *mancas*^m, as emended by me. 29, 3 a *placitis*. 33, 2 *wemunga*. 33, 2 *procedit in scleribus*. 34 *De fo. in. iud.* . . . *ðeg*.²² without *hon*. 34, 1 a *lahlites*. 34, 1 c *laslite d. infatuat*. 34, 2 *affigat*. 34, 3 *euers*.⁴² 35, 2 *griddb*. . . *burchb*. . . *iuxta*²⁸ *p. quam per pe. Item qui*. 36, 1 c *procedat*, in without *ut*, better. 37 *rubric* wanting. 37, 1 *pudhepet*. 37, 2 *pudhepet* . . . *cesione* corrected into *cesio in* . . . *mance emendentur* . . . *exigat*. 38 *De scyldwila* . . . *euerseunesse f. accreuit*. 39²⁹ *fecit*. 40 *De infrac-*

cicne pontis. 40, 1 *parcici* . . . *mancis*. 40, 3 *causancium*, but *con-* put before. 41 *suam debeat*. 41, 1 *a habeat*. 41, 2 *a scyra* . . . *te. po.*¹ . . . without *terminus*², better. 41, 7 *ha. ta*. 41, 12 *po. fuerat*. 42, 1 *item*⁴⁵. 43, 6 *a ligius erga* without *est* . . . *acquieveret*. 43, 7 *forisfecit*. 43, 8³¹ *dominium*, as emended by me. 43, 9 *requirere*. 44, 1 *peculiali*. 45, 1 *ut in quamvis s. c.* 45, 2 *sine placitorum*. 45, 3¹³ *promisau*. 46, 1 *a burbi*. 46, 2 *nominetur ei p. et inde a.* 46, 4 *paribus*²⁸ . . . *et*²⁹ *in*. 47 *ullageria* . . . *conprobanda*. 48, 1 *a mancas* (as emended by me) *uel ouerseunes*, after this *-sum* interlined. 48, 1 *b -quis*³⁰. 48, 2⁵ *septē* . . . *spūaliter*. 48, 11 *quinque*. 48, 12 *diracion* . . . *aliūm*. 49, 1¹² *tenetur* wanting, as I proposed to cancel. . . *causis tam in accusatoribus*. 49, 2 *inplacitorum* . . . *placitancium*. 49, 3 *d³⁰ est*. 49, 4 *b querandum*. 49, 6 *que sacr. l. uel*. 50, 2 *illa*¹⁰ *uel* wanting; . . . *mannitus* wanting. 50, 3 *sint*. 51, 2 *opus eos a. . . rectum—omnis* in the margin. 51, 7 *a Si peccet plus*. 51, 7 *c sig.*⁴⁸ 52, 1 *a⁴⁴ antea*. 52, 1 *c negauerit*. Before 52, 2 stands rubric of 53. 53, 1³ *marcarum* . . . *xxx¹ marcarū*, but the first *r* corr. into *n*. 53, 1 *e¹⁷ effugerit*. 53, 3 *dissaisitus*. 53, 4 without *dē*³⁵. 53, 5 *dissaisitus*. 54³³ *dicessu*, like Wilkins *discessu*, perhaps correct. 54, 1³⁷ *uoluerit*. 55, 1 *a⁵ -iorem*. 55, 3 *a¹⁴ prodicionem aliquem*¹⁹ wanting . . . *facit*. 56, 3 *paschuis*. 57, 4¹¹ *inculpatur*. 57, 5 *satisfaccioni habentur*¹, the right reading conjectured by me. 57, 6²⁴ *curuentur* corr. into *crav.* 57, 7 *dē*²⁵ *ualens*, omitting *suo ad*, while later MSS. omit also the two surrounding words. 57, 7 *c³⁵ uel*. 57, 8 *socam et*³⁷, conjectured by me . . . in *erch.*¹ . . . *halimoto*. 57, 8 *a permaneat*. 59, 1²⁸ *uicit*. 59, 2 *a aliquorum*³⁴. 59, 7 *huius*²⁴ . . . *pl. f. e. contendat*, better. 59, 8 *dici*²⁴. 59, 13 *crinibus*. 59, 14²⁵ *marcas*. 59, 17 *suam*³² *h. de*. 59, 19 *uolenti recta*. 59, 20 *-iet*²⁹ . . . in⁴¹ *malefic*. 59, 22 *diuizum uel permixtum*. 59, 23 in corr. from *non* . . . VIII wanting . . . *captale*. 59, 28²⁹ *gridb*. 60, 1¹⁴ *-ssa*. 60, 2 *c in co. eo. ma*. 61, 5¹⁴ *Si-pertinent* in the margin. 61, 8 *a³⁸, ³⁹ condixit et p. tamen*, possibly correct: 'If the term of the lawsuit has not been fixed by the justice and it is nevertheless prepared to go on before him.' 61, 11 *quorum—eius* in the margin. 61, 13 *a forspece*. 61, 19⁴ *alicui*. 62, 1⁷ *singulorum*, possibly better. 62, 3 *a reuertantur*. 63, 1²⁰ *sachem*. 63, 2 *do. sine te. nemo*. 64, 1 *c Hamthes*. 64, 1 *f⁴ iurancium*. 64, 1 *h tripodum*, as Thorpe. 64, 4²⁸ *aduerant*. 64, 6 *a³⁸ wenninga*. 64, 9 *fuerit*, better. 65 *De wanting*. 66, 1 *ministrum*, as conjectured by me. 66, 4 *profliteri*. 66, 5 *laslith* . . . *Anglicis*. 66, 6 *burblotum*. 67, 2²⁷ *wenninga*. 68, 3² *hoc* wanting. 68, 5 *b⁸ -etur*. 68, 6 *pr. ut ep.* 68, 7¹² *no lens*. 69, 1 *a wita est m.* 69, 2 *thyh* . . . *idem h. V mancas de twelth.* . . . *mancas*. 70, 1 *libri thelh.* 70, 4² *billum* . . . *futhw.*⁸ 70, 6¹⁸ *marcas*. 70, 10 *occidatur*, three and a half lines vacant, confirming that the text, as I had suspected, is corrupt; possibly the first few words belong to another sentence, which the author forgot to complete . . . *reputetur* . . . *ni*²⁹. 70, 11³⁰ *faciet* . . . *granta*³². 70, 12 *b¹ inciciam*. 70, 13 *-dus*. 70, 14 *b⁷ utrorumque*. 70, 17 *diem*. 70, 22² *-ginam*. 71, 1¹³ *siue* wanting. 71, 1 *a et*¹⁷ *am. in Rs* . . . *sen. aut*¹⁸ *iu.* 72, 1³² in wanting. 73, 6³¹ *occidit*. 75, 1 *de comat. uel eius accusat*. 75, 3 *a capud*. 75, 6²² *perarn*. 75, 6 *a iu. po. fieri*. 76, 3 *empcione, a. without et*. 76, 4 *b³⁵ Eius*. 76, 5 *a intra* . . . *institut*. 76, 6 *a mancas*. 76, 7 *-uandas*. 76, 7 *c⁸ fut-*. 76, 7 *e suum in Rs* . . . *corporis* wanting. 76, 7 *f¹⁰ numen*. 77, 3²¹ *uel* wanting. 78, 2²⁹ *extolneet*, confirming my conjecture. 78, 2 *a estimandi sint*. 78, 5⁴ *tha.* . . . *institutum est*¹⁰. 80, 2⁹ *-stel* . . . *sonna*. 80, 3 *a au. cum ramis* . . . *regium*²⁰ in Rs. 80, 3 *b tel.*²⁵ 80, 4 *Forstel*. 80, 4 *a Set si potest* . . . *forestel*. 80, 5 *Stelb*. 80, 5 *a Sterb*. 80, 6 *fytw*. 80, 6 *a²⁸ -rint* . . . *ad huc modo a. qui ius h.* . . . *fitw*⁴¹. 80, 7 *homiplagium*. 80, 8⁸ *homiced*. 80, 9 *a domino*⁹ *suo*, but *suo* crossed out . . . ¹³*uel*. 80, 10 *H. est quod L. d. i. s.; fit p. m. extrinsecus, intrinsecus* without *uel et*. 81³⁸ no rubric. 81, 3 *ciusmodi*¹⁸ . . . *flegfeoch*¹⁹. 82, 2²⁸ *-fecit*. 82, 2 *a⁴ id est sine pliego* wanting, better . . . *eius*¹⁰ in Rs. 82, 2 *c his*⁴². 82, 5 *ad an.*⁶ wanting. 82, 8¹⁴ *desp. u. sua p.* . . . *sponsa*²³. 82, 9²⁷ *scyr*. 83 *Quod cuique l. in negocio se d. p. c. d. without suum*. 83, 4⁴⁸ *-reif*. 83, 4 *a¹ -reif*. 83, 6 *adreniet*. 86, 3¹³ *eis*. 87, 2 *da. aliquod ingeratur*; this addition is not original, as wanting in Quadripartitus, the source of Hn. 87, 2 *a³³ extilit*. 87, 4 *interfuerint* . . . *twyfhyn*⁴⁴ . . . *twē*⁴⁸ *man*. 87, 5 *Westsexe*. 87, 6 *a iustus remaneret*. 87, 11²⁹ *habuerit* . . . III *alii de*²² *co. illo*. 88, 3 *a⁴⁴ lancee* in Rs. 88, 11³⁵ *uind.*, as

¹⁴ From c. 61. I rely on the collation kindly made for me in 1909 by Miss Hilda Johnstone.

conjectured by me. 88, 12 a *post hec*⁵ . . . *portat*⁶. 88, 13^a *per*. 89, 2 a *domino*- [2 a] *ingenuitatis* omitted, in the margin. 89, 2 a *multam*⁷. 89, 2 b *quem*⁸, as editors had corrected. 90, 4 b⁴⁹ *soluendum*. 90, 9 *half*-. 90, 11 a *brecch*¹⁶ *unwealdes*. 90, 11 c *ab eo erant omitting cuius* . . . *degecerit* . . . *al. preratur* . . . *ei eueniat*. 91 *Franc.* wanting. 91, 1 *marcas a. persoluatur*. 91, 2 a *exigatur*; *si q. u. d. ab h.*, better. 91, 4 *uia* corr. from *uiua*. 92, 8 *conueniat* in margin. 92, 14 *uel*²⁵ *terminum*²⁸. 92, 18⁹ *ut queat*. 93, 1²¹ *diffact*. 93, 6²⁴ *existant* . . . *-ssantur*²⁹. 93, 8 *fracte*. 93, 17 *Medicus*. 93, 18 *sexdecim*⁴. 93, 20 *emendandum*; *si transpungtus*. 93, 34 *sint ad emendacionem XV sol.*²⁸, possibly more original. 93, 35²⁹ *amittant*. 93, 36 *emendetur*. 94, 1 a *crau- et futhw-*. 94, 1 b *futhw*. 94, 2 a *coagentes*⁶ *n. sint*, as I had conjectured. 94, 2 c *ibi*¹⁵ *sit* omitted. 94, 2 d *-uerit*¹⁹ . . . *-tam*²¹ *uel futhwitam*.

Rs f. 123^v. After Hn 94, 5: *Expliciunt leges gloriosi Henrici regis primi*.

Rs f. 124. *De primo Stephano rege. Huic successit*¹⁵—*construxerat* = Leg. Angl. p. 76 n. 32, 33, on Stephen's reign and his short coronation charter. Rest of f. 124^r and f. 124^v vacant.

The verses on Stephen, *ibid.* n. 34, are wanting in Rs. and probably belong to a later editor of *Leges Anglorum*, see above, f. 74^v.

Rs f. 125 = Leg. Angl. p. 77 n. 35–35, 3.

De Matillide imperatrice.

Predictus¹⁶ autem rex Henricus primus genuit quandam filiam de legitima regina et uxore sua prefata, que nupsit Romanorum imperatori et uocabatur Matillis¹⁷ imperatrix. Illa uero prefata imperatrix nupsit postea Galfrido comiti Andegauensi ipsumque¹⁸ duxit in uirum.¹⁹ Ex quibus procreatus est rex Henricus secundus, qui successit Stephano regi in regno predicto. Matillis²⁰ uero imperatrix prefata sepulta fuit in Normannia, scilicet apud Beccum Herlewin.

De secundo Henrico rege. Iste uero secundus rex Henricus, filius suus, habuit et tenuit et rexit uniuersum regnum predictum cum omnibus appendiciis corone regni predicti toto tempore uite sue. Subiugauit eciam iste²¹ predictus rex dignitati corone sue, et in augmentum scilicet²² corone²³ regni sui predicti in²⁴ perpetuum, Yberniam²⁵ totam cum omnibus appendiciis²⁶ suis gracia Dei et auctoritate domini pape. Fuit eciam dux Normannie et Aquitannie et comes Antegaue²⁶ et Pictaue cum suis appendiciis et dominus Britannie,²⁷ que quondam uocabatur Armorica. Duxitque dominam Pictaue et Aquitannie in uxorem. De qua procreauit prolem nobilissimam, scilicet filios et filias. Rexitque omnia et uniuersa predicta dominauit et sibi subiugauit uiriliter et strenue omnibus diebus uite sue, nec de illis pro posse suo nec prout potuit temporibus suis nullam paciebatur eclipsim. Fecit enim²⁸ iudicium et iusticiam in regno predicto et in terris predictis constanter.²⁹ Fuitque uero³⁰ Ispania³¹ [Rs f. 125^v] meta et finis domini sui, et Norwegia³² uersus aquilonem. Regina uero sua uocabatur Alienor,³³ regina scilicet generosa et domina animosa et locuplex, ut predictum est. Fuitque predictus rex, dominus suus, miles strenuus, sapiens et prudens et animosus et bellicosus pro loco et tempore. Eratque uero similiter pastor ferarum et custos nemorum et in hoc auo consimilis et in illis ipsis in quantum potuit sequebatur uestigia. Crimina uero sua fuerunt publica et³⁴ ualde notoria.

¹⁵ *sepultus in Angliam* as above, f. 75, note 13.

¹⁶ This piece was printed from K by Riley, *Munim. Gildhal.* ii. 652. It exists also in Co, Or.

¹⁷ *-Idis* Co, *-Ida* K, Or.

¹⁸ *maritum* K, Co, Or.

²¹ *ipse* K, Co, Or.

²³ om. Co, Or.

²⁵ *Hib.* K, Co, Or.

²⁷ *Minoris* add. Co, Or.

²⁹ *fuit constanterque* Co.

³¹ *Hi-* K, Co, Or.

³³ *-ra* Co *Alianora* K.

¹⁸ *ipsum* Co, Or.

²⁰ *-Ida* K, Co, Or.

²² Wanting K, Co, Or.

²⁴ *improprium* Riley.

²⁶ *Ande.* K, Co, Or.

²⁸ Wanting K, Co, Or.

³⁰ Over line in same hand Rs.

³³ *-eia* Co; *-eya* K.

³⁴ *et u. n.* only in Rs.

Rs f. 125^v = Leg. Angl. p. 78 n. 37. *Carta istius secundi regis Henrici*, coronation charter. (The piece Leges n. 36 belongs to a later editor of the Leg. Angl.; see *ibid.* p. 78.)

Rs f. 126^v = Leg. Angl. p. 78 n. 38. *Item epistola eiusdem . . . ciuibus meis Londoniarum-Ballolio apud Westmenstre*; after 4 lines vacant Rs ends.

Relying on internal evidence I had concluded that the Leges Anglorum must reach further down, comprising Glanvilla's law-book and English history as far as 1199.³⁵ This opinion may now be based on an argument raising it to virtual certainty: the MS. Rs and the earlier part of MS. Ai (Additional 14252) once formed the first and second volume of one work written by one hand under King John for the London Guildhall. The identity of the handwriting appeared manifest when I compared Ai in the British Museum with the Rs photograph.³⁶ But the general look might deceive; distinct arguments must be adduced. There are in both MSS. twenty-four lines; the ruling, the height and breadth of the space covered with writing are absolutely equal (the size of the volumes may differ a trifle, through their having been cut by the binder). The initial letters of larger sections are golden in a dark blue field. Vacant half-lines are filled with a peculiar serpentine ornament. The scribe's marginal insertions of what he had carelessly omitted are introduced by the same cross potent.³⁷ The letter *q* in Rs and Ai f. 55^v shows the same flourish scroll elongated below the last line. The *r* at the end of words is often *R* (Rs l. 5, Ai f. 2 l. 7; cf. on this *R* Mr. Jenkinson, *supra*, p. 210). The horizontal head of *t* often shows a vertical counter-stroke to the left at the beginning of words or lines (Rs l. 6, Ai f. 2 l. 12). The long stroke of *b*, *d*, *h*, *l* is either split or bears a horizontal counter-stroke. The shaft of *f* and long *s* is thickened in the middle. The oval lower part of *g* is alike. The second half of *h* reaches a little to the left below the line. The group *cor* is exactly alike in Rs l. 9 and Ai f. 87 l. 7. Initial *U* offers a hook in the middle of the first stroke, and the second shaft extends below the line. The circumflex meaning abbreviation of *m* has the same serpentine shape in both MSS. For *et* not only are the forms *æ* and *&* alike, but the commoner sign, similar to the cipher for seven, is always crossed through the middle and curved to the left (Rs l. 7, Ai f. 2 l. 3).

The Rs scribe writes in Ai ff. 1-87 and ff. 92-104^v l. 1. The gap between these two parts, ff. 88-91, had originally been left vacant. Now ff. 88^v-91 are filled by entries of the other scribe, who had learned his penmanship a full generation later than Rs and employed a miniaturist whose art looks even fifty years younger; but possibly, judging from the contents, the second scribe wrote in the lifetime of the first or as his direct continuator.

Ai f. 1 Glanvill. = Leg. Angl. p. 79 n. 40.

Ai f. 85^v, *Hec est assisa de pane* *ibid.* p. 79 n. 41.

Ai ff. 86^v-87 = Leg. Angl. p. 79 n. 43-5, 1. With Geoffrey of Vinsauf's elegy on Richard I, N[*eustria*], the *Leges Anglorum* seem originally to have ended.

³⁵ *Leges Angl.* p. 79 n. 40, 42-44, 1. Mary Bateson felt convinced, *ante*, xvii. (1902) 481. ³⁶ The page I selected was f. 51^r. Cf. above, p. 733.

³⁷ The later marginal writer of Rs does not occur in Ai; possibly therefore the volumes had parted company before 1300.

The Rs scribe enters (Ai f. 92), the passage on *Presbiter Iohannes*, to which he subjoins (Ai f. 97^v), after a vacant line, the following distich :

Mens mala, mors intus, malus actus, mors foris
Tumba, puella, puer, Lazarus ista notant.

The rest of f. 97^v is vacant.

Ai f. 98 *Kikunks ad sa terre en Lundres* = M. Bateson, *ante*, xvii, p. 492. Ai f. 99^v *Co est la lei as Lorengs*, *ibid.* p. 499. f. 100^v *Treis folkesimoz*, *ibid.* p. 502. ff. 101–4^v *De Bretaine*, *ibid.* p. 503 (on *Gurth* see above, p. 735 note 6). The new hand begins with f. 104^v. l. 2 *Sciendum . . . infra III. miliarii spacium* = *Libertas* London., ed. *Gesetze*, i. 673. This second hand entered (f. 88^v) *De Iohanne Viel VIII sol.* ed. M. Bateson, p. 483, and f. 90^v [*Hoc est uerdictum . . . de Tamisia*, *ibid.* p. 486].

Both scribes of Ai obeyed one compiling collector (we dare not call him author), because the French piece on f. 104, written by the first scribe, points to the following Latin tract on f. 104^v in the later hand. The later scribe was often (f. 106) apparently unable to read his exemplar. The latter part of Ai has been ably described, edited, and criticized by Miss Bateson and partly by Dr. Round.³⁸

We know from Ai ff. 98 seq., 101, that the Rs scribe could copy and perhaps compose French tracts. In many other places he corrupts Anglo-Saxon words³⁹ so badly that English does not seem to have been his mother-tongue. The man who was the first to preserve for his municipality the earliest law of London as well as of England was, therefore, of French origin or descent.

On some occasions Rs seems to have been used in the fourteenth century by other Guildhall scribes ; see above, ff. 18^v, 27. But Rs alone, and none of the later copies, corrupts some words⁴⁰ or omits others⁴¹; they, therefore, did not follow Rs. These faults prove at the same time that Rs is not the autograph of the *Leges Anglorum*; else we should not meet with the correct readings in later copies. Nor must their compiler, a legal antiquary, be charged with those marks of thoughtlessness. Only a mechanical copyist could omit so many lines, only part of which he afterwards entered in the margin ; he was a careless scribe who left space vacant and put a coloured initial for what he must have considered formed a new piece, while in reality it is but the continuation of Chut's law ; see f. 43^v.

Still, Rs offers the best text among the five or six manuscripts that form the 'Lond' class.⁴² Sometimes this MS. shows later corruptions only on erasures,⁴³ or interlined⁴⁴; or the deterioration of the text appears here only in its beginning, to be completed by a normalizing copyist later. For instance *a non suo iudice*, a canonistic phrase, is corrupted by Rs into *ante*; but the later form grammatically puts *suum iudicem* Hn 5, 2.⁴⁵ Rs, there-

³⁸ *Commune of London*, p. 255, read *pentecost*, l. 38 *abbreviatur*; p. 256, l. 2 *proximum*, l. 4 *deferebant*; p. 238, l. 2 *spectantem*, l. 3 *recipient*; p. 236, l. 8 *prosequuntur* in Ai.

³⁹ *feath* for *feoh*, *fut* for *fiht*, *morā* for *morgan*, *si pes* for *sipes* (ship's) Hn 6, 1b.

⁴⁰ *morā* Hn 11, 13a; *pontis* 40; *placitorum* 45, 2.

⁴¹ *hospitium* Hn Lond 4; *mannitus* Hn 50, 2; *VIII* 59, 23; *cuius* 90, 11c.

⁴² See Hu 6, 1. Hn 3 e^b; 5, 4^b; 12, 1a; 41, 2 a¹, 3; 48, 1a; 49, 1¹²; 69, 2; 80, 3 a²⁰; 82, 2 a²⁴; 88, 3 a²⁴; 94, 2 a⁴.

⁴³ *Anglorum* Hn 6, 12.

⁴⁴ *in regno Britannie* Hn 65.

⁴⁵ *So multe* Hn 6^b; *multas* later; for *quia* Rs has *qui a*, later *que a* 5 18.

fore, sometimes stands between the Sc (Exchequer) class of Hn and the rest of Lond.⁴⁶ Generally Rs agrees with K, more than with Or Gi (Hn 49, 3d), but it stands nearer to the original than K; see above, ff. 9^v, 17^v. Some places where Rs confirms my conjectures are mentioned above (e. g. Hn 94, 2 a^o). But how could it come to pass that Rs in common with Sc shows corruptions which are not to be found in the rest of London MSS. (Hn 70, 4⁶, 71, 1 a¹⁷, 87, 6 a⁵)? We know the original of the Leges Henrici to have been left incomplete in style, with rudiments of original conceptions partly altered and with traces of half-expressed afterthoughts. Possibly the archetype of Hn contained some of this incomplete matter in the margin, or between the lines, and it was faithfully copied in the same way by the two scribes, one of whom was followed by Sc and the other by Rs and Lond. It was thus possible for Rs in common with Sc to prefer the wrong reading, while the exemplar to which Lond adhered chose the right one.

F. LIEBERMANN.

Custom and Change in Sixteenth-Century England

A NOTE ON RURAL ECONOMIC HISTORY

It is one of the truest of historical paradoxes that the forces which resist social change often make the change greater than it would otherwise have been. A noteworthy illustration of this is provided by the history of rural England in the sixteenth century. It is impossible to say how far the lords of manors were during this period induced by a spirit of commercial enterprise to substitute large pasture farms for small and mainly arable holdings on their estates, or how far their aim was merely to maintain their real incomes at their old level in spite of the import of American silver and the great rise in prices. But it can, I think, be shown that the conservative landlords, whose object was to retain their old position, must have been forced to make the more drastic change and were driven to this by the influence of the very customs which limited their freedom of action and appeared to protect the tenants. Tenant-right proved the tenants' undoing. Custom acted like the barrel of a gun, which restrains the explosive and adds to the effect of the explosion.

As a rule, it appears that in the sixteenth century a large majority of the tenants on a manor were copyholders,¹ and, as Maitland pointed out long ago, the fixed rents of the copyholder meant that, when the value of money fell, he pocketed 'an unearned increment, the product of American mines'.² Now

⁴⁶ 49, 1 *causatoribus* Sc, *accus-* Rs, *accusationibus* Lond; 59, 1 *uicerit* Sc, *uicit* Rs, *uicis* Lond; 93, 18 *XVII* correctly Sc, *XVI* Rs, *XV* Lond.

¹ R. H. Tawney, *The Agrarian Problem in the Sixteenth Century* (1912), pp. 25, 48-9, 287-8.

² *Ante*, ix. 439.

it is quite likely that, as Mr. R. E. Prothero remarks, when 'rents were raised or fines enhanced the landlord was not always trying to dispossess his tenant,' but that 'as often as not he was claiming his proper share of the tenant's "unearned increment"'.³ Yet this is not the whole truth. The lord could only raise the rent of copyholds for a life or lives and copyholds for years to which no right of renewal was attached. Even in these cases he could only increase the rent when the copyhold expired.⁴ But the number of copyholds which fell in during the lifetime of an individual lord was necessarily small. In the *Discourse of the Commonweal* the knight complains that 'in all my life time I looke not that the thirde parte of my lande shall come to my disposition, that I maye enhaunce the rent of the same; but it shalbe in mens holdinges, either by lease or by copie, graunted before my time, and still contynuinge, and yet like to continewe in the same estate, for the most part duringe my life and perchaunce my sonnes'.⁵ From this it follows that a lord who wished simply to maintain his real income at its old level and to prevent the tenants from reaping an unearned increment at his expense, would be obliged to raise the rents of those holdings which fell in to a greater degree than was justified by the fall in the value of money. Unable to raise the nominal rents of all his land, he would be forced to raise the real rent of some of it. This was possible, because the conditions of the market for wool enabled the land to be used more profitably if new methods were adopted. But unhappily for the small tenants, these new methods involved consolidation and conversion of arable into pasture: they were methods the small farmer could not adopt. The new rent represented the value of the land as used in a way in which the small holder could not use it.⁶ Thus even though the lord was conservative and only wished to preserve the old condition of things, he would be driven to radical measures which would compel the small tenants to throw up their holdings. And the compelling force would be the custom which prevented rents from being raised except when copyholds and leases terminated.

The irony of fate was similar in the case of some copyholds of inheritance and some estates for life where a right of renewal belonged to the tenant. It appears that on such holdings admis-

³ *English Farming Past and Present* (1912), p. 71.

⁴ *Discourse of the Commonweal* (ed. E. Lamond), p. 38, ll. 29-32: 'All the land in the Realme, nor yet the one half, is [not] enhanced; for sume have takinges therin, as lessees or copies not yet expired, wiche cannot be enhanced, though the owners wold.'

⁵ *Ibid.*, p. 19, ll. 20-6.

⁶ Cf. Cunningham, *Growth of English Industry* (4th edition), i. 462. This is probably the explanation of the complaint made in 1546 (?) that 'no ferme, tennement, or cottage' can be got 'without we paye . . . more than we are able to make' (*A Supplication of the Poore Commons*, Early English Text Society, p. 79).

sion fines were frequently uncertain.⁷ Therefore the lord would try to increase his nominal income by raising fines. But, again, being unable to do this on all the holdings, since only a few copyholds would require renewal in one lord's lifetime, he would be compelled—if he was not to lose in real income—to raise the fines on a few holdings so much that the increase compensated for the loss in real rent on many other holdings as well. These fines would probably prove too heavy for the tenant to pay,⁸ so that the land would come into the lord's hands and engrossing and conversion be facilitated. Even if we assume the very improbable case that all the copyholds on a manor of variable fines chanced to require renewal about the same time, the custom which forbade a rise of rents on copyholds of inheritance must still have tended to drive the tenants of such holdings from the land. Mr. Tawney understates the case when he says that 'the advantage of the fixed rent is in fact neutralised by the moveable fine'.⁹ It is one thing to raise a tenant's yearly rent ;

⁷ See Tawney, *op. cit.*, p. 300 ; cf. Norden's *Surveyor's Dialogue*, 1607, quoted *ibid.*, note on p. 308.

⁸ Evidence of this abounds ; see, for instance, Crowley, *Select Works*, Early English Text Society, pp. 165-6 : 'Yea, though he have ben an honeste, true, faythfull and quiete tenant many yeres, yet at the vacation of his copie or indentur he must paye wel-moste as muche as woulde purchayse so much grownde, or else voide in hast.' Harrison also speaks in a well-known passage of the rise in fines causing men to 'forfeit their tenures'. A roll of Tackley in Oxfordshire which belongs to the year 1557 supplies an interesting example, for in the margin we read that 'this copy is void because he was unwilling to pay the fine' (A. Ballard, 'Tackley in the Sixteenth and Seventeenth Centuries,' in the *Oxfordshire Archaeological Society's Report* for 1911, p. 42). It is true that Norden claims in the *Surveyor's Dialogue*, quoted by Tawney, p. 308, that prices in general had increased in the same proportion as the fines—that is, in the ratio of 13s. 4d. to £20—but this appears to be monstrously untrue : see the table, based on Steffen, in Tawney, p. 198, for the changes in prices between 1401 and 1582, and *ibid.*, pp. 305-6, for tables illustrating the upward movement of fines. The movement of prices from 1541 to 1662 is well illustrated by tables in G. F. Steffen, *Studien zur Geschichte der Englischen Lohnarbeiter*, i. 365-8.

⁹ *Op. cit.*, p. 307. Of course a lord may occasionally have forgone his claim to remedy the losses of the past and have used his power of fining simply to bring the land under his control, so that he might raise the rent. Mr. Tawney, indeed (p. 303), quotes a case of some tenants making 'Humble suit that your lordship will be pleased to grant them leases for twenty-one years, and they will pay, in lieu of their fine, double rent for every farm'. But this does not affect the argument that the lord's real income could hardly be maintained without the tenants being squeezed out, or at least without their real burdens being increased. If the rise in rent only corresponded to the new level of prices, then the lord's real income was not maintained : he did not recoup himself for the losses of the preceding years. If, on the other hand, an attempt was made to recover the losses of the past out of the rent of the future, this must have meant that the new rent was *really* and not merely *nominally* higher than the rent had been before price-levels altered. In this case it may have proved higher than production on a small scale permitted, and the tenants may have been forced to throw up their holdings. The case of John Wilson of Over Buston in Northumberland, which is quoted by Mr. Tawney (p. 303), illustrates this. He exchanged his copyhold for a lease at double rent, but later he complains in a letter that 'he knows no other way but of force to give over your honour's land, by reason of the deare renting thereof'.

it is quite another thing suddenly to call for many years' arrears of gains won through unprecedented conditions. A tenant can afford to pay an augmented rent if this increase is only proportionate to the fall in the value of money. But he may be utterly unable to produce the capital value of the 'unearned increment' which his father had reaped and probably spent during the years he was in possession. The economic conditions were unlooked for: there is a note of surprise in the economic literature of the period. No man could tell that the rise in prices would continue, that lords would be forced to raise fines, or that it was necessary to save against this contingency. Thus even in this last case—that of a manor with variable fines where all the copyholds fell in at the same time—the custom which protected the copyholders from an increase in their yearly rents must have induced tenants to throw up their holdings rather than face the bankruptcy which the increased fines would have brought upon them. In general, the effect of the custom was to make the conservative motives of the lord an agent in the accomplishment of radical changes.

REGINALD LENNARD.

A French Memoir on Pitt's Naval Operations of 1757-8

IN packet 85 of the Chatham MSS. in H.M.'s Public Record Office is a *Mémoire* containing the criticisms of a French official on the British naval operations of the years 1757-8 against Rochefort, St. Malo, Cherbourg, and other towns. It purports to be a reply to an Englishman who had written to him on that subject; but this is probably a device of the writer to excuse his treasonable conduct. Documents of this kind are always open to suspicion; but the present communication is of sufficient interest to warrant publication almost *in extenso*. It bears date 1759 and is docketed 'No. 6'. The many solecisms render it probable that the writer was a foreigner. He was almost certainly attached to the office of the Intendant at La Rochelle.

J. HOLLAND ROSE.

MÉMOIRE QUI CONTIENT LES RÉFLEXIONS ET L'OPINION D'UN ÉTRANGER
CONCERNANT LES OPÉRATIONS DES ANGLAIS CONTRE LES CÔTES DE
FRANCE, EN RÉPONSE AUX SENTIMENTS D'UN ANGLAIS DE SES
AMIS :—

Vous êtes persuadé, Monsieur, que les différentes opérations sur les Côtes de France, pendant les deux dernières années, ont produit tout l'effet qu'on s'en attendoit (si l'on excepte l'expédition contre Rochefort); que l'Anglois ne peut ni ne doit conserver aucun poste sur les côtes françaises, et, s'il n'a pas réussi en entier dans ses projets, du moins il a dérangé le ministère de la France dans ses opérations en l'obligeant de rappeler

quelques troupes de l'Allemagne et faisant naître par les opérations différentes et réitérées des dépenses extraordinaires et considérables.

The writer then states that England has never sought to retain a post on the French coast. Besides questioning the wisdom of this resolve, he promises to discuss whether the naval operations have led the French Government to recall its troops from Germany, as the British had hoped; also whether they did not cost more to England than to France. As to the policy in question causing the withdrawal of French troops from Germany, he proceeds:

Il n'a eu aucun effet; car il est certain que, si la Cour de France a fait passer en Normandie quelques bataillons de la Flandre, dans le même tems elle a renforcé la communication des armées en Allemagne avec Strasbourg de plusieurs différents corps; et au temps de l'expédition contre l'Isle d'Aix, hors quelques corps du Maison du Roy, qu'on fit partir de Paris, et qui ne furent que jusqu'à Orléans, on ne fit marcher à la Rochelle que des bataillons qui étoient dans la Guienne et trois de ceux qui étoient en Bretagne. Cela s'étant passé sous mes yeux, on peut être persuadé que ces différentes opérations sur les côtes de France n'ont pas diminué les armées françaises en Allemagne d'un seul homme.¹

A l'égard du troisième point [les dépenses]—on ne peut pas disconvenir que cela n'a causé quelques dépenses à la Cour de France, et que la ruine des ouvrages de l'Isle d'Aix et de Cherbourg ne lui soit une grande perte; mais tout cela ensemble ne sauroit à mon avis balancer les frais où l'Angleterre s'est engagée pour en venir à bout; car enfin l'expédition qui a causé le plus de remuement est celle de l'Isle d'Aix. Or j'ai vu les comptes arrêtés, à l'intendance de la Rochelle, des dépenses extraordinaires qui montoient pour le compte de la Cour à cent mille écus, qui font quinze mille pièces. Ainsi on peut assurer que toutes les différentes expéditions n'ont pas coûté au Roy au delà de cinquante mille pièces; outre les frais qu'il faudra pour rétablir les ouvrages qui ont été démantelés et renversés par les Anglais. Le remuement et la fatigue des troupes ne doivent être comptés pour rien. Il est certain que par rapport aux peuples des provinces et surtout de la Bretagne et de la Normandie, que leurs dépenses ont été plus considérables, et qu'ils ont fait des pertes très grandes et réelles, outre la perte d'un grand nombre de navires et de [?]. Mais ces dépenses et ces pertes, qui ne regardent que le particulier, quelques grandes qu'elles soient, ne peuvent jamais produire autant d'effet vis à vis le gouv^t. français qu'on se l'imagine ordinairement. Il est clair que les opérations que les Anglais ont fait sur les côtes de France ne pourront jamais y causer les mêmes révolutions que s'il y en arrivoit de pareilles par la France sur les côtes anglaises.

¹ This assertion is very questionable; see Mr. Julian Corbett, *England in the Seven Years' War*, i. 227-8, 287, 302-4. Further, on 5 September 1761, Prince Ferdinand of Brunswick, when hard pressed by the French in Westphalia, wrote to Pitt, urging him either to reinforce the Anglo-Hanoverian army 'ou d'obliger la France à rappeler une partie de ses troupes par une diversion à faire sur ses côtes ou autrement' (Chatham MS. 90).

He then refers to the blockade of Brest and the expedition against Rochefort as effective, the latter failing owing to lack of knowledge of the state of the coast of Aunis, which was then defenceless. On its failure the English made diffuse expeditions.

Ces derniers projets n'ont produit aucun effet dans les opérations de la Cour de France, pendant qu'il est évident que les flottes continuelles devant Brest, l'expédition de l'Isle d'Aix et les opérations contre la Bretagne et la Normandie ont coûté des sommes immenses à l'Angleterre. C'est un malheur que le Ministère n'aye pas été parfaitement instruit de la situation des côtes de France, de leur relation les unes avec les autres, ainsi que de leur différend commerce. Il se seroit alors décidé à une seule opération dans toute cette guerre, et l'auroit fixée à prendre l'isle de Rhé. En voici les raisons démonstratives. Dans tout l'océan la Cour de France ne forme ses armemens qu'à Brest et à Rochefort. Et quoique Brest soit le port le plus considérable et le lieu où se forment les plus grands armemens, il ne seroit rien sans Rochefort. Cela paroît extraordinaire et même contradictoire. Mais l'on en conviendra facilement quand on saura que toutes les farines, les vins, ainsi que presque toutes les provisions des flottes, qui sortent de Brest, viennent de Bordeaux et de Rochefort. Et enfin que quand même, par des efforts très-coûteux et très-périlleux, on pourroit avoir à Brest suffisamment de quoi fournir les flottes sans les secours de Bord^x et de Roch^t, il resteroit toujours constant qu'il n'y a que Bord. et la Rochelle qui puissent soutenir les colonies françaises et le Canada, et leur fournir les provisions et les marchandises qui leur sont nécessaires. Or, si les Anglais avoient pû s'emparer de l'Isle de Rhé,² il est très sûr que le commerce de Bordeaux et de la Rochelle étoit totalement culbuté sans pouvoir le soutenir dans aucune de ses parties : que ces deux fameux ports ainsi que celui de Rochefort auroient été fermés de façon qu'il n'en seroit pas sorti la moindre barque : que quelques efforts que la France eût fait, ses colonies n'auraient pû se soutenir que par les étrangers : et enfin qu'on auroit ruiné les gabelles de France, qui est un des articles des plus essentiels dans les finances de ce Royaume, parceque [les] Anglais auroient été les maîtres du commerce des sels de la côte de Saintonge.

Il ne reste plus qu'à voir de quelle façon on devroit s'y prendre pour se rendre maître de l'Isle de Rhé — isle très bonne par sa situation, qui n'est aisée à aborder que par trois ou quatre endroits très-mal défendus ; dont la ville, sans être forte, est très-bien fortifiée, et qui a une citadelle très-bonne et en état de faire une vigoureuse défense. Raisonnons sur la façon dont les Anglais se sont conduits, et, en nous servant des mêmes opérations qu'ils ont mis en usage, nous démontrerons qu'avec de la patience et une bonne exécution ils pourroient facilement et sans perdre de monde se rendre maître[s] de la ville et de la citadelle. Il n'est question que d'avoir une flotte supérieure à celle de Brest et de Rochefort, et de s'emparer d'abord des rades des Isles d'Aix et de Rhé. Il sera suffisant, après avoir effectué la descente de huit à dix mille hommes dans l'Isle de

² For Pitt's desire, after the failure at Rochefort, to seize Rhé, see Corbett, *op. cit.*, i. 229. Wolfe, on 8 August 1758, wrote urging the seizure of l'Ile d'Aix (*ibid.* p. 269).

Rhé, d'y laisser à la rade quelques vaisseaux de ligne, pendant qu'une flotte supérieure à celle de Brest croisera depuis ce port jusqu'à l'Isle de Rhé. Dans cette situation je ferois camper les troupes, appuyant la droite du camp au fort l'Aquée, et sa gauche au village de la Flotte (*sic*) qui est à deux mille de St. Martin. Etant maître de l'Isle, qui a environ 24 mille d'Angleterre de circuit, j'obligerois par la force tous les habitans de se retirer dans la ville et je les y laisserois très-tranquilles jusqu'au moment que la ville et la citadelle fussent obligés de se rendre par famine, me bornant à bombarder continuellement l'un et l'autre. Je fortifierois le village de la Flotte de plusieurs redoutes avec des lignes jusqu'au fort l'Aquée ; et les troupes y seroient très-tranquilles dans une isle très-bonne où l'air est excellent. Quand même la France auroit cinquante mille hommes à la Rochelle, elle ne pourroit secourir l'Isle de Rhé tant que l'Anglais seroit le maître de la mer. Il n'y aurait qu'une chose à craindre, qui est que par un vent violent et favorable de grosses barques chargées de provisions pourroient aller de la Rochelle dans le canal de St. Martin en très-peu de temps. Dans ce cas il faudroit se pourvoir de quelques fortes chaloupes armées et montées de quelques pièces de canons, et alors la moindre petite nacelle ne pourroit se rendre sous la citadelle de St. Martin. . . . Et si les Anglais sont maître de cette isle, dès ce moment les ports de la Rochelle, de Rochefort et de Bordeaux sont totalement fermés et deviennent de toute inutilité à la France. Que deviendra alors le commerce des colonies ? Et où fera-t'on passer les farines du haut pays, les vins de Bord^x et toutes les marchandises sèches du Languedoc ? . . . Dans cette situation la France seroit obligée d'avoir quatre fois plus de troupes depuis l'Orient jusqu'à Bord^x qu'elle n'a eu jusqu'à présent : et malgré ses soins, ses peines, ses dépenses, et la surveillance de ses généraux, l'Anglois seroit maître de ravager toute la côte.

Quelques politiques ont cru qu'une entreprise contre l'isle de Belleisle étoit de bien plus grande conséquence pour l'Angleterre qu'une contre l'Isle de Rhé. Je ne saurois jamais convenir de cette proposition.— (1) Je suis persuadé que Belleisle par elle-même est beaucoup plus forte que l'Isle de Rhé : mais je ne saurais croire qu'elle soit aussi nécessaire à la France : on pourroit même le démontrer incontestablement. (2) Quand même Belleisle seroit plus considérable pour la France que Rhé, la position de cette dernière est bien différente de celle de la première. Je veux pour un moment que les Anglais soient maître (*sic*) de Belleisle. Cette prise, influera-t-elle beaucoup sur le commerce de la France ? Non, assurément. Mais cela mettra-t'il les Anglais plus à portée de fermer le port de Brest ? Je nie encore cette seconde proposition. On sait de science certaine que toutes les flotes anglaises n'ont pû empêcher les vaisseaux de Brest de sortir quand ils ont eu un bon vent. Or je conclus que la position de Belleisle, qui est bien plus éloignée des côtes que l'Isle de Rhé, est d'un objet bien moins intéressant pour l'Anglois. Belleisle ne peut guerre influer sur ce que (*sic*) se passe sur les côtes de la Bretagne, au lieu que les rades des Isles d'Aix et de Rhé sont les clefs des rivières de Guaronne et Chairante (*sic*) et que, sans être maître de ces rades, on ne peut se servir de la navigation des deux meilleures rivières de la France.

Reviews of Books

Historik: Ein Organon geschichtlichen Denkens und Forschens. Von
LUDWIG RIESS. Band i. (Berlin: Göschen, 1912.)

THE object of this book is, first, to explain the place of history among the sciences, and the nature of the historical spirit; secondly, to furnish the student with the general principles and conceptions which will enable him to analyse historical phenomena. The author borrows his sub-title from Droysen, and the main idea of his work from Gervinus. He is the mouthpiece of a reaction against that purely technical and mechanical view of the historian's duty which is illustrated in the well-known handbook of M.M. Langlois and Seignobos. To Professor Riess the subject-matter of historical science presents itself not as documents, or as 'facts', but as types of character, forms of social and political life, ideas and beliefs. The so-called problems of method are in his view of secondary importance. To discover the relevant sources of information, to interpret them, to estimate their relative value, are 'operations of extreme simplicity when once the archivist and editor have done their duty'. In their account of the process of historical synthesis, M.M. Langlois and Seignobos omit from consideration the most important points. They do not tell us on what principle we should choose a problem to investigate, or what is the general purpose of historical investigation. Furthermore, they write as though the historian needed no intellectual equipment beyond an acquaintance with the documents relating to his immediate subject. They do not seem to recognize that more than half the merit of his work depends upon his general education, his standards of moral and political values, his knowledge of human nature, of the social sciences, of the general course of history. The historical sense is not produced by the assiduous cultivation of special branches of knowledge. It is a habit of mind, the outcome of long practice in the processes of analysis, of comparison, of generalization. Professor Riess has no sympathy for the dilettante who evolves his own methods of research by the light of nature. He expects the beginner to acquire a working knowledge of the principles inculcated in such schools as those of Waitz and Nitzsch. But he is equally emphatic as to the need for a wider outlook, a broader culture, than is usually expected in the historical specialist.

Some part at least of this culture he proposes to inculcate through the medium of his as yet unfinished treatise. He has not, so far as we can discover, explained what subjects will be handled in his second volume. We presume, however, that a considerable part of it will be devoted to the philosophy of the state. This would seem to be the logical and necessary sequel to the subjects of which he treats in his second and third books. The

second book, entitled 'Types of Individual Life', discusses those psychological questions which the historian must sooner or later be prepared to face; while the third is a systematic account of the 'voluntary groupings of men' in classes, clubs, societies, political parties, and so forth. Both books contain suggestive reflections and give useful hints to the writers of dissertations. But there is something fantastic in the underlying assumption of the second book, that a knowledge of human nature can be imparted through the pages of an academic text-book. It requires the literary genius of a Hobbes to make these abstract reflections upon human nature even tolerable. This work leads one to suspect that in German universities there is a tendency to erect water-tight bulkheads between the different faculties, and to make each professor responsible for the whole intellectual training of his little flock. It is surely better that the student should go to the psychologist for his psychology, to the sociologist for his social science. We respect the ideal of historical training which Professor Riess sets before us. But it is a training which calls for the co-operation of many teachers as eminent in their own fields as is Professor Riess in that of history.

H. W. C. DAVIS.

History and Historians in the Nineteenth Century. By G. P. GOOCH.
(Longmans, 1913.)

THIS book must be pronounced one of the most admirable effects of Lord Acton's tenure of the Regius Professorship of Modern History at Cambridge, for it could hardly have been written by one who had not come under the influence of Lord Acton's inspiration. Acton himself, had he written the book, would no doubt have been more profound; but his profundity would have prevented him from ever writing the book. Moreover, catholic as Acton was, Mr. Gooch has escaped some of his limitations. He is not, indeed, a medievalist, and his appreciation of the services of those scholars, who revealed the middle ages to the nineteenth century, is not so keen as his perception of the results of oriental and classical archaeology. But he is free from that modernism which led Acton to declare that the modern world proceeded from the medieval, unheralded and without the tokens of legitimate descent; and he does not suffer unduly from his master's addiction—singular in a catholic—to that natural product of an impious generation, the rights of man, which ignored his duties and responsibilities and was pilloried by Burke as 'a sort of institute and digest of anarchy'. It is true that on p. 91 we have a reference to the 'native duplicity of Catholicism', but it is clear that 'Catholicism' here represents merely the printer's efforts to decipher Mr. Gooch's 'Catherine' [de Medicis].

In attempting a comprehensive survey like this of the product of historical studies during the nineteenth century, Mr. Gooch had two alternatives before him. He could deal with the problem either from the point of view of the historians who wrote the history or from that of the history they wrote. The former method lies open to the obvious objection that history, like every other form of truth, knows nothing of national limitations, and that its interpretation, in so far as it is affected by national feeling,

is necessarily false. Yet, if Mr. Gooch had rigidly followed the second alternative, we should have missed one of the most striking impressions produced by his book. The first, the longest, and, we think, the best part of it, traces the growth of historical scholarship in Germany, noting its products indifferently in the realms of philology, law, ancient, medieval, and modern, German and foreign history. In reading it we realize that these German scholars were, in writing history, making it as well, and that the *Monumenta Germaniae Historica* should be placed side by side with the German Code and the Zollverein, as one of the factors in the making of modern Germany. The survey of French history is less happy, partly because the labours of French historians were less happy in their effects. 'Louis-Philippe', says Mr. Gooch, 'owed his accession and his fall in almost equal degrees to the labours of historians,' and the same might be said of the third Napoleon. If Thiers contributed to the Napoleonic legend, Lanfrey undermined its tinsel superstructure. History should, no doubt, be Olympic in its superiority to national and party politics; but as a matter of historic fact it has been closely interwoven with them both, and Mr. Gooch may be pardoned for having realized, unconsciously perhaps, the fact.

Nevertheless, the superiority of German historians to French was not really so impressive as it appears in Mr. Gooch's book, and for this reason. Much of the best work of French scholars was not done on French history; and by the time that Mr. Gooch has reached France he has realized the objections to his plan of national historiographies, and has reserved the best products of French scholarship for separate chapters on the ancient East, Greece and Byzantium, the Jews and the Christian church, catholicism, and the history of civilization. So, while Niebuhr appears as the leading figure in the regeneration of Germany, Champollion, Mariette, Maspero, and Diehl appear as the rediscoverers of Egypt and Byzantium. Mr. Gooch, in fact, adopts first one principle and then the other; and the dovetailing is somewhat rough. Thus Acton is separated by half a volume from his master Döllinger, the pupil coming first under England and the master last under Catholicism; and Mommsen, who comes under Rome, is still further removed from Niebuhr. There are no cross-references, and the index is merely one of persons. These defects might have been remedied, but no one can blame Mr. Gooch for getting impaled on the horns of an unavoidable dilemma. History is too intimately bound up with the course of human affairs ever to be independent of the cross-currents, cross-divisions, and contradictions in which mankind is involved.

So, too, there were bound to be in this book selections, omissions, judgements from which some student or other, if not all, will dissent. The best section, as we have said, is that on Germany, which owes a good deal to Acton's article in this Review. The next best is perhaps that on Acton himself; the treatment of Maitland is far less impressive, and medievalists generally have some cause of complaint. Seebohm is only introduced as a sort of incident in Maitland's career. It may be true that Sir Harris Nicolas is 'best known' as the editor of Nelson's letters; but that need not have precluded a reference to his laborious work on the privy council and numerous other contributions to medieval history. One

has the impression that history appeals to Mr. Gooch chiefly when it appears in the form of literature, and editors and archivists generally come off rather badly at his hands. The recognition of Dr. Gairdner's labours is hardly adequate, and the three hundred other volumes of Calendars of State Papers are not mentioned at all. Several living medievalists deserve mention quite as much as some of those who appear on pp. 399-401. Ireland and Wales are ignored; the chapter on the United States is perfunctory, and so is that on 'Minor Countries', in which Italy and the Dual Monarchy are both included. There is just a mention of Thorold Rogers and Cunningham, but economic history is generally excluded from the purview.

But we have said enough, and perhaps more than enough, by way of criticism; and we cannot close without a few words of appreciation. This is one of the most stimulating books any student of history can read; and it should be on the shelves of every history library. Probably no living scholar could have written it so well as Mr. Gooch. It bears on its pages the evidence of reading extraordinarily wide and varied in its scope, and of an active and intelligent interest in every European field of archaeological research. Its judgements are shrewd, often witty, and always pointed; and its perusal can hardly fail to impress the least instructed with the progress, importance, and dignity of historical study. It is a book which needed writing, and Mr. Gooch has laid every historical student under a deep debt of obligation for having achieved, with a signal measure of success, a task of exceptional labour and complexity. A. F. POLLARD.

Handbuch der Urkundenlehre für Deutschland und Italien. Von HARRY BRESSLAU. I. 2nd edition. (Leipzig: Veit, 1912.)

AMONG the many eminent services which Professor Bresslau has rendered to medieval history none is more conspicuous than that which he performed by the publication of his great handbook of German and Italian diplomatic. The first volume of this work appeared in 1889, and a part of it has now been issued in a second edition. The original volume contained nineteen chapters and 992 pages: of this nine chapters, filling 552 pages, are comprised in the new edition, and occupy 746 pages; so that 440 pages, with the supplementary matter necessitated by revision, are reserved for the still unpublished second volume. It looks therefore as though, unless this volume is increased to unmanageable dimensions, the matter intended to form the second volume as originally contemplated will have to be rigidly compressed; or else we may hope to have a third volume, and in it an index, about which the author expresses himself doubtfully. But for the present we have to keep our old volume i for use side by side with the new edition of rather more than half of it.

This new edition gives evidence of minute revision. Very considerable changes have been made in the text, and the notes contain references to everything of importance that has appeared since the publication of the first edition. Perhaps it may be thought that Dr. Bresslau treats in a somewhat cavalier style the writers of contributions of more slender merit; but he is certainly right in resisting the fashion which has become common

of thinking it necessary to take serious account of whatever has found its way into print, whether valuable or not. By selecting his references the author has been able to make room for fresh proofs and illustrations on almost every page. To enumerate even the more important of them would be impossible in a short review. We can only notice a few points which have struck our attention in comparing the two editions.

On pp. 679-81 there are new paragraphs on the early history of the imposed seal (*en placard*), as distinguished from the seal used for closing the document and the appended seal; and the different meanings of *sigillum* are explained in a note on p. 684. There is a valuable discussion of the *sigillum authenticum* on pp. 718-20. On pp. 356 ff. the list of notaries of the Lombard kings is increased from twenty-nine to thirty-six. On p. 363, n. 1, the title of chancellor given to two officers of Theodebert I is rejected. The pages on the Carolingian chaplains (pp. 408-11) are remodelled, and there is an important note on p. 410. With the help of the work of Signor Schiaparelli, Dr. Bresslau has written a new account of the chancery of Berengar I, Guy, and Lambert (pp. 392-9), and there is valuable fresh matter in that dealing with the chancery of Henry the Saxon (pp. 423 f.). The question, which is of great interest for the student of diplomatic, about documents issued from the imperial chancery but actually drawn up by the recipients, is discussed with additional illustrations and some corrections to the previous edition in pp. 460-3 (cf. p. 606, n. 3); and the same problem comes up again with regard to the documents of German princes (pp. 610-14). Recent publications, especially those of Behring and Andreas Kehr, have enabled Dr. Bresslau to supply new details and some corrections in his treatment of the Sicilian chancery of the twelfth century (pp. 571-6); and the account of Bishop Walter of Troja, chancellor under Frederick II, is enlarged (p. 577). The author adopts the name 'diploma' in preference to 'privilege' for the documents of the time subsequent to the Hohenstaufen (p. 67). His discussion of the registers of the Emperor Henry VII (pp. 130 ff.) is rewritten, and that of the registers from Sigismund to Frederick III (pp. 140 ff.) is almost all new. The pages on the imperial notaries and other officials (pp. 543-6) contain a good deal of fresh matter, and an entirely new insertion describes the fees for the grant of regalia (pp. 552-6). The account given in the first edition of the manner of keeping the municipal records at Cologne is now supplemented by particulars relative to Metz (pp. 734 f.). The description of the registers of German princes (pp. 142-5) is much enlarged. There is an elaborate collection of references about the bishops' notaries and scribes (p. 601, n. 2), and there is an altogether new section on chancery officials in Brandenburg, Thuringia, Meissen, and Austria (pp. 604-6). Two notes on the forgeries of Caspar Schlick, the chancellor of Sigismund, may be mentioned (p. 87, n. 1; p. 534, n. 2). Nor should we forget the illuminating discussion of the validity of notarial instruments in connexion with the changes in the mode of conveyance of property (pp. 656-64).

By far the most considerable changes in the new edition relate to papal diplomatic, on which probably more labour has been expended in the last twenty years than on any other branch of the subject. It has long been

admitted that the two documents which are the only evidence for the existence of a papal chancellor in 799 are in their present form spurious, but in his first edition (p. 180) Dr. Bresslau decided that the title of the *bibliothecarius et cancellarius* had a genuine basis: now he rejects the evidence altogether (p. 212, n. 1) and finds no chancellor earlier than the time of John XVIII and the year 1005 (p. 216). Thanks in part to the important work of Professor Paul Kehr, he has rearranged and largely rewritten his account of the dataries from Hadrian I to Nicholas II (pp. 209-36), and the note (p. 207, n. 2) on the *scriniarii* is mostly new. It is an interesting suggestion that the increase in the number of papal documents preserved from the time of Benedict VIII onwards is connected with the employment of parchment in place of papyrus during his pontificate (p. 73, with a useful note on extant bulls on papyrus). The remarks on the autograph element in the pope's subscription and in the dating clause (pp. 78, 79) deserve attention, as does the enlarged description of the formal changes in the documents of Leo IX and his successors (pp. 79 f.). The problems which have been recently raised as to the nature of the registers preserved before the regular series begins under Innocent III are not finally settled; the author does not accept without reservation the conclusions arrived at by Dr. Caspar with regard to the register of John VIII (p. 106, n. 5), and leaves undecided the question whether the extant register of Gregory VII is the register itself or only a series of selections from it (pp. 740 f.). Father Peitz's monograph on the subject was published too late for Dr. Bresslau to make use of it in his text, and Dr. Caspar's supplementary contribution to the discussion did not appear until after the work before us was printed. Dr. Bresslau thinks it probable that the registers before the time of Innocent III were as a rule transcribed from originals and not from drafts, but that afterwards the practice varied (pp. 116 f.). He inclines to agree with Denifle that the registers of Innocent III are not the actual registers drawn up for use, but are fair copies from them (p. 118). There is an important new paragraph (pp. 120 ff.) on the reasons which determined the inclusion of rescripts in the registers or their exclusion from them. Very large additions have been made to the account of the papal chancery in the later middle ages. We can only note the passages dealing with the correctors and auditors (pp. 279-86, 301 ff., with a list of auditors from 1226 to 1376, p. 284, n. 1), and the chancery under Boniface VIII (pp. 254 f.); the much extended treatment of the vice-chancellors from 1316 to 1492 (pp. 256-66, cf. 290; in the first edition there was only a note on p. 210) and of the secretaries (pp. 312-20, where the first edition had only a page and a half); and a new paragraph on the sealing officials (pp. 309 f.). The account of the prices paid for offices (pp. 325-9) and of the fees of chancery (pp. 329-46) is also greatly amplified.

Misprints are few (e. g. '176' for '76' on p. 200, n. 1, 'publicum' for 'publicam' on p. 657); but it is strange that any one should still cite so notorious a forgery as Ingulf of Croyland as 'a writer of the Norman time' (p. 669). Nor should documents (p. 42, n. 2) be quoted from a reprint in the *Recueil des Historiens de la France*, when they have twice been published from the originals at Canterbury, in Wharton's *Anglia Sacra*, ii, p. v,

and in Sheppard's *Literae Cantuarienses*, iii. 365 ff. But these are trifles. Dr. Bresslau's book is a masterpiece which it would be an impertinence for me to praise.

REGINALD L. POOLE.

The Municipalities of the Roman Empire. By JAMES S. REID, LL.D.
(Cambridge : University Press, 1913.)

PROFESSOR REID'S book has grown out of a course of lectures delivered first in the university of London and afterwards to American audiences. The lectures as delivered have been considerably expanded, more especially those which deal with the eastern provinces ; but no notes or references to authorities have been added, so that the book is evidently intended to be read as a general introduction to and survey of the subject which it treats. The most valuable chapters are undoubtedly those—occupying about three-fifths of the book—which survey in turn the various regions of the empire and trace the development of city-life in each. We find here something which Mommsen's *Provinces of the Roman Empire* did not profess to furnish, and we are deeply grateful to Dr. Reid for the satisfaction of this want and the accomplishment of a task which must have entailed an enormous labour in the accumulation and sifting of details. We are likewise fully in accord with the author when he claims for this mode of arrangement that it is ' the one which brings best into view the extraordinary plasticity of Roman modes of government '. The notion that ' the Romans ran, so to speak, a sort of political steam-roller over the ancient world ' is, we hope, becoming less widespread than it used to be as the methods of teaching and the equipment of teachers improve ; but such ideas die hard, and Dr. Reid has done well to administer the death-blow in the present instance. Certainly any student who reads these chapters with good maps at his elbow (these are, for obvious reasons, not contained in the volume) will be without excuse if he fails to grasp the truth that the Romans were, as Dr. Reid says, ' political opportunists to a degree unsurpassed in history,' or to appreciate the tact with which they accommodated their principles of government to geographical, social, and ethnic conditions. The chapter on Roman Africa may be singled out as especially instructive and replete with detail, much of which will assuredly be unfamiliar to those into whose hands this book is likely to fall. The same chapter, however, furnishes an instance of an awkwardness of arrangement not easily to be avoided in a work cast in this form. Dr. Reid cannot, of course, leave the subject of Roman Africa without saying a word on one of its most remarkable features—the great imperial domains or *saltus*. As these were, strictly speaking, extra-municipal and extra-territorial, they fall outside the proper scope of the book, but they form too important an element in the territories of the empire to be neglected, and Dr. Reid takes occasion thereby to close his chapter on Africa with references to analogous institutions in other provinces—the ' metallum Vipascense ' in Lusitania, and the temple-estates of Asia Minor. These latter (Komana in Pisidia and Pessinus are named) he promises to discuss later ; but the promise is not adequately fulfilled when we are told on p. 353 (à propos of another

Komana) that 'the general tendency was for the priest's lands to fall into the hands of the emperor'; and that 'the vast imperial possessions in Asia Minor' only concern the subject of the book 'as limiting the expansion of the municipal system'. Some recognition should surely be given to the fact that municipal rights were ultimately acquired by many of the imperial *saltus* both in Asia Minor (where the case of the Ormêleis is well known) and in the West. The *saltus Sumelocennensis* had its *ordo*; the *saltus Taunensis* is actually described as a *civitas*; but Transrhenane Germany is practically unnoticed by Dr. Reid. Again, he mentions the little town of Coela in the Thracian Chersonese (p. 401), but does not tell us that, having passed by inheritance from Agrippa to Augustus, it was inhabited under Claudius by a *populus et familia Caesaris*, and became a *municipium* under Hadrian.

When we turn to the chapter which deals with our own island (which, for some reason, is coupled with Spain) we find that seven pages suffice to tell what Dr. Reid thinks worthy of mention in the story of its municipal institutions. It is true that we know little enough of the extension of Roman town-rights in Britain; but more might have been made of the materials at the historian's disposal. It may be strictly accurate to say that except in the case of the *civitas Silurum* whose centre was at Caerwent, proof is lacking that the more important of the British towns were 'cantonal centres, like the towns in Gaul which were the capitals of "civitates", coincident with the territories of clans'; but surely the list of names given by the Ravenna geographer—Isca Dumnoniorum, Venta Belgarum, and the rest—affords something next-door to demonstration. Nor, again, can an account of town-life in Britain be thought adequate which leaves Bath unnamed. Spain meets with more generous treatment: it might, however, have been well to devote a few lines to the *gentilitates* which furnish a point of comparison with the *gentes* of Africa and elsewhere (those of Dalmatia, on which see p. 211, deserve an entry in the index).

The opening and closing portions of the book, which deal historically with the growth of municipal institutions, their general features and their gradual decay, call for little criticism, since the object is rather to give a summary of established facts than to solve outstanding problems. Space might have been found, however, for a more precise account of the steps by which municipal office was converted into a hereditary burden; and Mr. Strachan-Davidson's recent work on the question of the criminal jurisdiction exercised in the *municipia* invited discussion.

It remains to note some points of detail. On p. 19 'Taranto' should be read for 'Otranto'. The *Sucusa*, as one of the seven *montes*, must not be confused with the *Subura* (p. 32); it was a spur of the Caelian. On pp. 89, 91, 93 ff., Alexander the Molossian is called 'Alexander of Molossus'. A reference to the recently discovered inscription of Pompeius Strabo would have been in place on p. 101. It is hard to understand what is said of the magistrates mentioned in the *Lex Municipii Tarentini* on p. 148; the words as printed would seem to imply that the aediles are called *duoviri* in the inscription, which is not the case. It was not the 'Forma Urbis', but a map of the empire, which was set up in Rome by Agrippa (p. 177). The tribe 'Ἀδριανίς at Athens should have been named on p. 439.

For 'Crete' read 'Cyprus' on p. 472. The control exercised by the Senate over the sums spent by municipalities on gladiatorial shows (Tac. *Ann.* xiii. 49. 1; Plin. *Paneg.* 54) deserved mention on p. 459. Amongst the *collegia* united to form fire brigades (p. 521) was that of the *dendrophori* (not mentioned by Dr. Reid); hence the phrase *iii collegia* (*C.I.L.* v. 7881, xi. 5749).

H. STUART JONES.

Euphemia and the Goth, with the Acts of Martyrdom of the Confessors of Edessa. Edited and examined by F. C. BURKITT. (London: Published for the Text and Translation Society by Williams & Norgate, 1913.)

THIS volume contains the text and translation with exhaustive introduction and notes of four early Syriac documents, the acts of Shmona and Guria, the acts of Habbib, the story of Euphemia and the Goth, and the story of the merchant of Harran. Of these the acts of Habbib were published by Cureton in 1864, and those of Shmona and Guria by Rahmani in 1899, while the story of Euphemia was edited from one of the two manuscripts only by M. Nau in 1910, though Professor Burkitt was unaware of this publication till the present volume was in print. The short tale of the merchant of Harran, a document of another kind and of less interest, which is only added because it follows the story of Euphemia in the London manuscript, appears for the first time. A Greek text of the first three documents was published by Professor von Dobschütz in 1911, and a large proportion of Professor Burkitt's introductory matter is occupied with maintaining against the German scholar that the story of Euphemia was originally written in Syriac (the Syriac text was unknown to Dr. von Dobschütz), and that the acts of the martyrs are substantially historical, though they have been written over by a later hand. On the former point (on which M. Nau is of the same opinion) the case seems to be proved, and on the latter the reasons given carry great weight. The chief difficulty is the anachronistic insertion of the name of Licinius; but this may very well be explained by supposing that the original author left the emperor unnamed. A similar instance is the mention of Bishop Eulogius in Euphemia, where it does not seem necessary to hold with Professor Burkitt that the author had better information about the civil than about the ecclesiastical history of Edessa, but only that his informant in relating the earlier part of the story mentioned the name of the *στρατηλάτης*, but in relating the latter did not mention the name of the bishop. In this latter half the *στρατηλάτης* is also anonymous in our text. Professor Burkitt gives the text of Euphemia from the London manuscript, placing the readings of the Paris manuscript in the notes; and, though it is difficult to criticize an editor on a point of this sort, I cannot but regret that he has not produced a critical text. He says that, as the variants are given, any reader can form such a text for himself: but in order to do this, he would need to have the Greek version also before him.

I cannot follow the argument on p. 21 that the governor did not wish to arrest Habbib, for in the very section to which we are referred he complains of 'Theoctecna' (surely it should be 'Theotecnus') for dissuading

him from giving himself up. The reconstruction of the story of Euphemia is ingenious and interesting; but here again Professor Burkitt is inclined to draw inferences which the text does not warrant. He concludes that Euphemia had mentally broken down because her mother acts for her and she makes no answer to the *στρατηλάτης*; but it was surely natural that her mother should take the leading part, and she does not answer the *στρατηλάτης* because no question was asked her, the Goth's confession having made this unnecessary. It is rather misleading to render the same word 'general' on p. 146 and 'stratelates' elsewhere, and it might have been explained that the *mag. mil. per Orientem* is intended. The word *shabi* (p. 62 text, l. 18) cannot mean 'captive', as it is rendered at p. 144, l. 6, but, if genuine, can only be a proper name, as M. Nau takes it. Also I cannot but think that in the story of the merchant 'Patricius' should be 'patrician': if it were a name, I should have expected the text to be expressed differently. As we find the man going to the emperor, he was evidently highly placed, and no other personal names are given in the story. Misprints are frequent: at p. 7, l. 14 there are two in consecutive words. See also p. 8, l. 19, and p. 149, l. 17.

E. W. BROOKS.

Consuetudines Monasticae. Edidit BRUNO ALBERS, O.S.B. Vol. iv: 'Consuetudines Fructuarienses necnon Cystrensis in Anglia Monasterii et Congregationis Vallymbrosanae.' Vol. v: 'Consuetudines Monasteriorum Germaniae necnon S. Vitonis Virdunensis et Floriacensis Abbatiae Monumenta saeculi decimi continens.' (Typis Montis Casini, 1911, 1912.)

WE welcome the publication of two more volumes in the series of early monastic Customs which were noticed in volume xxiv of this Review. Dom Albers has written a brief note of introduction, but he has reserved his conclusions as to the exact filiation of these Customs until he has issued a number of other texts. The Customs of most general interest are those of the monastery of Fructuaria, in Piedmont, which was founded between 1003 and 1005 by William of Volpiano and his brothers. They are divided into two books concerning the order of divine service throughout the year and the duties of the obedientiars. William had been sent by Majolus, abbot of Cluny, to reform the monastery of St. Benignus at Dijon in 990, and the first monks of Fructuaria came with William from Dijon. It is, therefore, natural to find that the Customs were closely related to those of Dijon and Cluny. The Customs of Fructuaria had a strong influence on monastic reform in Germany in the eleventh century. Under the influence of Anno, archbishop of Cologne (1056-75), they were accepted in several monasteries in his diocese; they were also adopted in the famous monastery of St. Blaise, in the Black Forest, from which they spread to many other houses. Dom Albers has appended a dated list and table of monasteries which owed their Customs directly or indirectly to the work of William of Dijon. In his edition of the Customs of Fructuaria, Dom Albers has made use of three manuscripts now, or formerly, in German monasteries. One of these came from St. Blaise. On p. 141 there is a reference to Abbot Vto, whose name does not occur among the abbots of Fructuaria. Dom

Berlière suggests, in volume xxix of the *Revue Bénédictine*, that he should be identified with Vto of Kyburg, abbot of St. Blaise from 1086 to 1108, who is known to have introduced these Customs into his monastery. Another passage, on p. 171, shows that this text was written for German monks. It is the earliest extant version of the Customs of Fructuaria, written during the rule of Guibert, abbot of that house from 1080 to 1090. This is clear from evidence in a chapter about the election of an abbot, but there is nothing to show that the greater part of the Customs was not in writing at an earlier date. Possibly it was a new edition based on an earlier version. In his *Histoire de l'Église de Saint-Bénigne de Dijon* the Abbé Chomton mentions three versions of the Dijon Customs, of which he has printed the latest, written in the twelfth or thirteenth century.

The Chester Customary is printed from a manuscript of the fourteenth century, once in the library of Sir Thomas Philipps and now in Berlin. It is comparatively brief and it deals only with the order of service throughout the year. In 1093, while St. Anselm was still abbot of Bec, Hugh Lupus, earl of Chester, gave the house of St. Werburgh, at Chester, to monks from Bec, with Anselm's own chaplain, Richard, as their first abbot. Dom Albers has gone astray in stating that the monks took the place of nuns; there is a tradition of a nunnery at an early date, but St. Werburgh had been in the possession of secular canons since the reign of King Athelstan. The origin of this Chester Customary is an interesting problem which Dom Albers has not yet attempted to solve. We observe that it does not agree verbally either with the Constitutions of Lanfranc, or with those extracts from the Customs of Bec which have been printed by the Chanoine Porée in his history of that monastery.

The Customs of Vallombrosa are printed from a manuscript of the twelfth century in Florence. Dom Albers suggests that they were written before 1193, when the founder, John Gualbert, was canonized, for he is still called 'venerabilis domni Ioannis'. The Customs are mainly of liturgical interest; they resemble the Cluniac Customs in *Consuetudines Monasticae*, vol. ii, in substance, but do not agree with them verbally, and they are more closely related to the Customs of two German monasteries in volume v. The manuscript of the second of these German Customs is in the monastery of Einsiedeln. It is written in a hand of the tenth century, and has already been printed by Dom Odilo Ringholz under the title of the 'Customs of Einsiedeln'. It appeared first in *Studien und Mittheilungen aus dem Benediktiner- und Zisterzienser-Orden*, 1887, and again in *Geschichte des fürstlichen Benediktinerstiftes U.L.F. von Einsiedeln* in 1904. Dom Ringholz admits that this customary was not written at Einsiedeln; on p. 76 of the present text mention is made of the death of a canon or nun 'illius civitatis', on p. 77 of 'sedicio civium,' on p. 105 of St. Emmeran who is apparently the patron saint of the monastery. The abbey of St. Emmeran was restored by St. Wolfgang, bishop of Ratisbon (972-94), who had been a monk at Einsiedeln under Abbot Gregory. Dom Albers agrees with Dom Ringholz that these Customs were those of Einsiedeln, which were introduced through St. Wolfgang. But Dr. Hauck has pointed out that St. Wolfgang chose Ramwold, a monk of St. Maximin at Trèves, to be the first abbot of St. Emmeran, and therefore it is more probable that

he introduced the Customs of his own monastery, which was then of great repute. The manuscript of the first Customary was formerly in the monastery of St. Matthias at Trèves, and is now in the public library of that city. Dom Berlière suggests that it was written in the time of Abbot John de Rode (1421-9), who mentioned in the preface to his constitutions that he had collected monastic Customs for fifteen years. Internal evidence warrants a belief that these Customs were originally written either for the monasteries of Weissenburg or Gladbach at the end of the tenth or the beginning of the eleventh century.

The relation of these two texts to one another has an interesting bearing on the English Customary of the tenth century, known as the 'Concordia Regularis'. It was adopted at a synodal council at Winchester in the reign of King Edgar. Both Dom Albers and Dom Berlière accept the traditional attribution of this work to Dunstan. In the abridgement which Ælfric made for the monks of Eynsham, he stated that his source was the work of Ethelwold, bishop of Winchester.¹ Miss Bateson observed that Ælfric could hardly have been mistaken: he himself was a pupil of Ethelwold, and had been under him for many years at Winchester. The resemblance between passages in the *Concordia Regularis* and the Customary at Einsiedeln, from which Dom Martène printed numerous extracts in *De Antiquis Ecclesie Ritibus*, has long been a subject of comment. It has been explained on the ground that Gregory, abbot of Einsiedeln (964-96), an Englishman of noble birth, was in touch with the English reformers. Dom Berlière points out that the discovery of this manuscript at Trèves may lead to a different view, for the Customary at Einsiedeln is more closely related to it than to the *Concordia Regularis*. He suggests that both these German Customaries may have had as their common source the Customs of St. Maximin at Trèves, or of some other monastery which was under the influence of the reform movement in Lotharingia. This would explain the resemblance to the *Concordia Regularis*, which, according to the introduction, was based on the Customs of Fleury and Ghent. Ghent had been brought under the influence of the reform movement of Gerhard of Brogne which originated in Lower Lotharingia.

Dom Albers has reprinted a portion of a Customary which Dom Martène found in a manuscript of the tenth century in the monastery of St. Vito at Verdun. It was written for a northern monastery which was not under the influence of Cluny, Brogne, or Gorze.

The Customs of Fleury are reprinted from the text published by Jean Dubois in the *Bibliotheca Floriacensis* in 1605, and ascribed by him, from the writing of the manuscript, to the tenth century. These Customs, however, appear to be identical with those of which the Abbé Rocher gives a detailed account in the *Histoire de l'Abbaye de Saint-Benoît-sur-Loire*, and he judges that the original manuscript was written at the beginning of the thirteenth century. The text convicts Dubois of error, for there is a reference to the lights burning round the tomb of the king in the choir of the monks, and the tomb was that of Philip I, who was buried there in 1108.

ROSE GRAHAM.

¹ *Computus Rolls of the Obedientiaries of St. Swithun's Priory, Winchester*, appendix vii, p. 173 (Hampshire Record Society).

British Borough Charters, 1042-1216. Edited by ADOLPHUS BALLARD, LL.B., M.A. (Cambridge: University Press, 1913.)

IN the revived study of English municipal origins and antiquities, which received its first impulse from Maitland, Mr. Ballard has taken a prominent part, and his latest contribution is, with the exception of Miss Bateson's *Borough Customs*, the most comprehensive collection of original materials which has so far resulted from this revival of interest. It may cause some surprise that it has been possible to bring together from printed and manuscript sources, chiefly of course the former, no less than 330 charters to English boroughs dating from before the death of King John, and this in spite of the fact that charters creating boroughs or granting licence for such creation are of excessively rare occurrence. Mr. Ballard has found no more than six, of which five are Scotch, though allusions in later charters prove that others existed but have not been preserved. It was the desire to secure the confirmation and extension of existing municipal privileges which evoked the vast majority of the charters which are comprised in this volume. Some may take exception to the method of arrangement, which follows the plan adopted by Miss Bateson in her *Borough Customs*. The clauses of the various charters, in which they occur in no definite or logical sequence, are re-arranged under general heads such as 'Burgage Tenure and Law of Real Property', 'Jurisdictional Privileges', 'Borough Finance', and the like, and these categories are again subdivided under the head of particular rights or duties. This is no doubt an exasperating system for any one who wishes to study a particular charter, especially as Mr. Ballard does not (though Miss Bateson did) give the number of each clause in its charter, but on the whole it seems to us to be capable of justification. The volume is intended for the use of the student of general municipal characteristics, and its subject-classification will enormously facilitate his work. It may be that there is still need of another volume in which the charters should be printed as they stand, under their respective towns, but meanwhile Mr. Ballard provides an alphabetical list showing the provenance of each charter. In order to make the material more widely useful, the editor, who spares himself no trouble, appends an English translation to each clause. As a rule these versions faithfully reflect the meaning of the original, but there are occasional slips. Thus 'sive de alio conquestus fuerit' cannot mean 'although he be seised of any other land' (p. 121). Another instance must be mentioned, because Mr. Ballard there questions a rendering of Miss Bateson's, without cause, as it seems to us. In a note to the mainprize clause of the Pontefract charter of 1194 (p. 140) it is asserted that 'plegiare' is wrongly translated 'replevy' by her, and that if the translation were accepted, the proviso which follows would be nonsense. Yet in the Bristol and Kilkenny clauses on the opposite page 'plegiare' and 'replegiare' are used in exactly the same sense, and if Mr. Ballard's translation of the proviso is sense, he has obtained it by dropping out the word 'plegium'.

In an introduction extending to 147 pages Mr. Ballard furnishes, in addition to other useful preliminary matter, a full analysis of and commentary on the subject-matter of the charters and supplementary essays deal-

ing with such problems as the essentials and personality of the borough and with foreign parallels. The collection of all the available charter material for a period of two and a half critical centuries gives to the discussion of the definition of a borough a welcome degree of freshness and brings out points of much interest. Mr. Ballard's main conclusion is that 'the two factors which differentiated the borough from the manor were the existence of a separate court and the grant of burgage tenure to all the lands within the jurisdiction of this court'. These are the only features which are found to be common to all boroughs, from the highest to the lowest. Special attention is called to cases of boroughs recorded to have been cut out of the area of a manor by a definite act of creation, and it is shown that such artificial boroughs which had never been village communities occur long before the Norman conquest. The grant of a 'liber burgus' *co nomine* is not found before the reign of John, and, as the editor points out, is not necessarily a creation; but we could have wished that he had discussed its relation to the similar terms, 'liberum burgagium' and 'liberi burgenses', used in earlier charters.

One of the most valuable sections of the essay on the essentials of the borough deals with that division of boroughs into classes, which ended in many of them being denied the name of borough altogether. Particular stress is laid here upon the presence or absence of special representation in the eyre. The representation of the artificial borough would often be merged in that of the vills in which they were geographically situated and from which for certain purposes they had been separated.

But perhaps the most interesting and suggestive of these supplementary essays is that which analyses the first crude attempts, if attempts they can be called, to find a less ambiguous expression than 'burgenses' when acts of the whole community were in question. The 'burgus' is occasionally described as receiving a payment or sustaining damage, but 'the draughtsmen were not conscious of representing the borough as a person, or they would have tried to continue the image throughout the charter; and it is for this reason that we prefer to speak of the personality of the borough, rather than its personification; the latter term seems to savour too much of conscious effort'.

In dealing with foreign parallels Mr. Ballard is most full and satisfactory on the French towns. For Germany he uses only the imperfect collection of charters in Gengler's *Corpus Iuris Municipalis Germaniae Medii Aevi*. Keutgen's *Urkunden* does not seem to be known to him. The *fueros* of two Spanish towns only, Cuença and Teruel, are examined, though they of course are exceptionally important. The whole essay is tentative and suggestive rather than conclusive, but Mr. Ballard deserves every credit for a laborious comparison which, if we are not mistaken, is the first of its kind to be published.

JAMES TAIT.

Le Bourgage de Caen; Tenure à Cens et Tenure à Rente (xi^e-xv^e siècles).

Par HENRI LEGRAS. (Paris: Rousseau, 1911.)

THIS important study is for the most part concerned with legal technicalities, and is a juridical introduction to another book which the author

is preparing upon the economic history of medieval Caen. Yet, although the main theme is not of general interest, it contains much that is full of suggestion to the student of the borough. The author's arrangement is somewhat complicated, and, in such a lengthy work, a few more pages summarizing his conclusions would have been welcome, but he makes his meaning clear. In its scholarship, its use of local material to illustrate general development, its careful introduction on the unpublished sources, it is a model of what a piece of municipal history should be. The departmental archives of Calvados are rich in materials for legal and economic history, especially in the fifteenth century; the official registers of the *tabellions*, the officers who took the place of the *vicomtes* in drawing up and recording contracts, have provided M. Legras with most of his information for the later period, while for the earlier centuries he has relied upon the records and chartularies of the great abbeys of Caen, upon the Norman customs and the judgements of the *exchequer*.

The book is divided into two parts. The first part has by far the most interest for English readers. It contains a careful account of the origin of the three *burgi* in Caen, and an analysis of seignorial rights. Distinct from the rest of the *villa Cadorni*, the *burgus* can be traced back into the first half of the eleventh century. The other *burgi*, of the abbot of St. Stephen's and the abbess of La Trinité respectively, were created before 1083; they had been formed out of the *villa* and neighbouring vills which were held by the usual villein tenure and were subject to the usual agricultural services. A church was built in a waste district, 'like a railway station in a new country,' a few burgesses were settled upon lots, the little river Odon was diverted into a canal, which joined St. Stephen's to the Orne and made it a port, and the *burgus monachorum* began to grow. The coexistence of three bourgs in a single mercantile area, each of them subject to a different lord, prevented the establishment of a powerful commune at Caen. The ducal or royal bourg became a commune in the twelfth century, but was not free of certain feudal dues, e.g. on alienations, until the fifteenth, and the other bourgs could never be described as *liberi burgi*. Hence the history of Caen is peculiarly interesting; subject to the ordinary law the burgesses owed their freedom to economic advance, not to political privilege (cf. pp. 63, 81, 107-8). A burgess of Caen in the twelfth century did not possess the privilege which his *tenure à cens* would have brought him at Pontorson or Verneuil. In the bourg of the abbess feudal rights were especially marked, owing in part to the fact that her *seigneurie* contained Calix, the *villa Calucii*, which retained its rural services. Although Calix participated in the tenurial privileges of the bourg and became undistinguishable from it, the services were extended to the whole lordship (p. 87). Again, the strategic importance of this bourg, outside the walls of Caen, affected the burgesses. During the Hundred Years' War, for example, the abbess revived the duty of watch and ward (*guet*). On the other hand, it should be noticed that the abbot of St. Stephen's and the abbess of La Trinité did not possess rights of *haute justice*; their *seigneuries* could be invaded by royal officials. Moreover, as the town grew, the contagious influence of the royal bourg was felt in the other two, and, as M. Legras frequently points out, hastened their legal development.

In the early pages of the book its readers will find some interesting remarks upon the distinction which existed in the eleventh century between the *burgenses* and the *manentes per mercedem*. The latter are dwellers in the bourg who have no permanent standing; they are subject to their external lords; yet so long as they stay in the place they occupy the same position as the *burgenses*. Even more interesting is the author's analysis of the *gablum* or *cens* and the many customary services and payments. By means of exemptions and compositions the *consuetudines* gradually disappeared in the royal bourg, but for long they were distinct from the *gablum*, a small payment of threepence or three halfpence upon the *area* or plot. This fact throws light upon the 12*d.* rent due by the custom of Breteuil, and so common in England. The larger fixed rent is a farm to cover the various customs as well as the original *gablum*. It is frequently described as a *firma*, and as given *pro omni servitio*.¹ The shilling rent was the first step which differentiated places like Breteuil from Caen, in which the burgess was allowed a minimum protection against the exploitation of the lord. At Caen the customs, like the *gablum*, were levied upon the holding.

The early history of Caen, as told by M. Legras, is a further illustration of the composite origin of the medieval town. The influence of the rural economy, the motive of trade, which encourages the presence of traders from without, and the artificial holding of the burgess were all present. The definite foundation, that is to say, the group of holdings which paid the *gablum*, seems to be essential, yet a *burgus* was not necessarily exempted from any of the feudal incidents of a rural *seigneurie*. Economic opportunity, rather than political privilege, allows the *burgus* to outgrow its humble origin. One is reminded again of the fact, insisted upon by Norman historians, that the Normans were as much interested in their economic as they were in their political experience. The scribes who compiled the Domesday returns had, perhaps, a more definite, more Norman notion of a borough and a burgess than we have supposed. Might not further inquiry into the early *burgi* of Normandy and their *manentes* throw some light upon the mystery of Dunwich and of the out-burgess?

But M. Legras is really concerned with the history of rent, and especially of the rent-charge. Some years ago, Maitland, in a review of the *Étude sur la Propriété foncière dans les Villes du moyen âge* (1898), noticed that the archives of Gand had 'enabled M. des Marez to perform such a feat of industry as has never yet been performed for any other town'.² The conveyances and leases of Calvados have enabled M. Legras to perform a similar task on behalf of Caen. His work is of great value for purposes of comparison between the English and the continental law of rent. The operation of the common law was felt in Caen, as the growth of wealth and population hurried on the development from the rent service of the rent-charge. Although even in the Bourg de Roi the right of free alienation was not fully secured until the fifteenth century, a very practical right of alienation was exercised in all three bourgs from the twelfth and thirteenth centuries. This is proved by the existence of seignorial rights to the thirteenth

¹ Ballard, *British Borough Charters*, pp. 49-50.

² *Ante*, xiv. 137, April 1899; *Collected Papers*, iii. 106.

on sales, and the right of *retrait* after the sale of rents. M. Legras shows with great care how the consent of the lord to alienations gradually became a dead letter, but he shows also how at the same time an extension of the feudal right of *justitatio* and its later developments protected the creditor and gave him the right to distrain. This section of the book might be compared with those passages in which the historians of English law have insisted upon the *real* character of rents and the necessity of seisin. It is probable that the territorial character of rent, in the later sense of the word as well as in the case of the *rente à cens*, survived longer in Normandy than in the Low Countries.

The procedure in virtue of *justitatio* gave way before the procedure of recovery in virtue of the clause *obligatio bonorum*. We will not attempt to follow M. Legras in these important technicalities. Here, as in the earlier part of his book, he constantly shows how economic changes produced changes in legal procedure and in the law as a whole. The territorial origin of the *rente* was forgotten as the royal courts and officials took more and more cognizance of the numerous transactions. The section which deals with the gradual change from the verbal agreement in the lord's court, through the private deed published in the parish church, to the formal and easy registration by the *tabellio*, is of great diplomatic interest. It is sometimes stated that private seals were not used in France except by the nobility. The documents quoted in this book disprove this. Peasants as well as burgesses might have their seals; we are informed that M. Dolbet, the archivist of La Manche, has made a collection of peasants' seals at Saint-Lô (p. 181).

Finally, one or two points of special interest may be noted: the interpretation of the well-known sections upon alienation in the *Très Ancien Coutumier* (pp. 101-6), the note upon the use of ecclesiastical *lettres d'officialité* in confirmation of private transactions (pp. 180-2), and the references to the effect of the English occupation upon the burgesses of Caen in the fifteenth century (pp. 124-5). F. M. POWICKE.

The Loss of Normandy (1189-1204). By F. M. POWICKE. (Manchester: University Press, 1913.)

THE readers of this Review will welcome Professor Powicke's development in this volume of those valuable studies in Norman history on which he has been long engaged. But it should be explained at the outset that the field covered is far wider than would be suggested by the title of his book. Only one of its ten chapters is expressly devoted to 'The loss of Normandy', and a truer view of its contents is afforded by the sub-title, 'Studies in the History of the Angevin Empire.'

For an appreciation of Philip's conquest, in its causes, its character, and its effects, the author finds it necessary to begin by devoting five chapters to 'The Angevin Empire', or rather to its principles of government outside Normandy and England. A chapter of much greater length deals with 'The Administration of Normandy', which is traced from the early days of the duchy. To this chapter are appended dissertations on 'The Truce of God' and private warfare, on 'Parage in England and

Normandy', and on the Norman bailiwicks (pp. 103-16), this last being one of those remarkable appendixes which give a peculiar value to the book and illustrate the careful and exact scholarship of its author. Chapters iv and v are devoted to Richard's reign and his struggle with Philip Augustus, the long chapter which follows carrying on the tale to the autumn of 1203, when the flight of John left the duchy to its fate. To this chapter is appended a note on Norman deserters from John in 1203, which again illustrates the minute research on which the author has based his conclusions.

'The Norman Defences' and 'War and Finance' are the subjects of the important chapters which follow. In dealing with Angevin administration the author had earlier stated his view that 'the castle played the chief part in this development' beyond the Channel from the days of the counts of Anjou: he here deals with 'the castle in military organization', its connexion with the duke's authority, and the part it played in the great struggle between Philip and the English kings. The political importance and development of castles from the middle of the eleventh century has of late years been better appreciated and more scientifically studied. Normandy, like modern Prussia, was, under our Norman kings, a state organized with a view to war: Professor Powicke shows us its 'march' as an artificial frontier held by castles only. The very partial survival of the Norman exchequer rolls, as compared with our own pipe rolls, makes it difficult to work out the expenditure on fortification by Henry II and Richard I, but the author has closely analysed such evidence as they afford. Richard, he observes, detected the importance of Vaudreuil and Pont de l'Arche and greatly increased their strength. One is tempted to think that the 'Master Euric' who was employed on the work may have been that 'engineer' who served both Henry and his sons, Master Urri, but the author does not so identify him. The great fortress on the rock of Andeli receives at his hands special attention, and is very fully described. In this chapter and in that which follows, dealing with the field force and the financing of war, he has done admirable work, and special attention may be drawn to his observations on the vexed question of the foreign service due from English tenants-in-chief. Possibly in laying stress on the 'accidentes' of Giraldus (p. 344) he has unduly overlooked those 'feudal accidents' which were proving so productive to the Crown about the close of the twelfth century.

In chapter ix the tale is carried on from John's departure for England and the policy of Philip with respect to his newly acquired province examined. One is curiously reminded at times of the Conqueror's attitude to the English in Philip's careful preservation of 'the forms of law' and recognition of the 'usages and customs of Normandy'. It seems to be a sound conclusion that the transition to the new order was accomplished with as little harshness as possible, and that the only class who suffered by it severely were the Anglo-Norman baronage. In a lengthy and instructive appendix on 'the division of the Norman baronage' (pp. 482-520) the author sets himself to examine the tenancies of Norman fiefs as set forth in the returns made in 1172, and to trace their fate after the crisis of 1204. As his statement that the return based on the inquest of 1172 is found

both in the English *Red Book* and in Philip's Registers has been challenged, it may be well to assert its accuracy, which is not affected by the variations in the two texts. Professor Powicke is, of course, far too familiar with this return to make any such error at all probable. His appendix deals with the feudal holdings in alphabetical order and is, apparently, the first attempt to investigate systematically the fate of the Norman fiefs and their holders. The whole subject of the loss of their English lands—at first conditional and then final—not only by the Normans, but by Bretons and Flemings also, is, one may observe, well worthy of being made the subject of a monograph. A new edition of the *Testa* will, doubtless, facilitate the task.

The closing chapter of the book is devoted to the social and political consequences of the struggle. The necessity of deciding on allegiance to the French or to the English king and the loss of lands entailed had a marked influence, the author contends, on the conceptions of nationality and of 'alien' status, and involved a new development of the idea of treason and the doctrine of liege homage. That the separation of Normandy and England made not only a province of the former but a kingdom of the latter is not, of course, a new view; but the author, who rates highly the effect of that separation on England, makes a special point of its influence on the development of English law. An appendix on the long-disputed question of 'King John and Arthur of Brittany' has already appeared in this Review (xxiv. 659).

The apparatus of this scholarly work is deserving of special praise. A good selection of maps, including Stapleton's *Tabula Normanniae* here reprinted, greatly facilitates its study; an excellent introductory note on authorities is supplemented by an exceedingly useful list of those used, medieval and modern, and the index is an admirably full one. The slips one notes are trifling, and are mainly in names: 'Buelles, possibly Bulli', was clearly Bouelles, from the lords of which Shellow Bowels derives its name; Jordan 'Campus Arnulfi', in 1203, must have been of Cambernon, not Campagnolles; 'Orte' surely represents L'Orti (*Urtiacum*), not Orques. The author greatly admires Stapleton's work, but corrects his statements where necessary; he follows him, however, like most Englishmen, in writing 'L'Aigle' and 'Aumâle' for Laigle and Aumale, and he repeats without question his unsupported and erroneous assertion that 'Peter Paynel granted his manor of West Rasen in Lincolnshire to his brother William', which is shown to be inaccurate by one of the records cited by the author himself. Baldwin, constable of Boulogne, who held in England and the Boulonnais, should not be included by him among 'Norman deserters'. So minute is his study of the Norman baronage and its holdings that a much larger proportion of slips might fairly have been expected.

J. H. ROUND.

Histoire Constitutionnelle de l'Angleterre. Par WILLIAM STUBBS. Édition française avec Introduction, Notes et Études historiques inédites par CH. PETIT-DUTAILLIS. Traduction par G. LEFEBVRE. Tome ii. (Paris: Giard et Brière, 1913.)

THE second volume of this translation follows the same plan as the first, which has been noticed in an earlier volume of this Review (xxiii. 337). The

translator has again distinguished himself by a faithful reproduction of the style as well as of the meaning of the original work. In the revision of the references he is no less careful and scholarly than before; it is rarely that he omits to cite the standard text of a source, though he appears to have overlooked Mr. Kingsford's edition of the *Song of Leves* (p. 94). On account of the references alone many English students will find this translation indispensable. But it has other merits. The bibliographical notes by M. Petit-Dutaillis are all but exhaustive; his appendixes on the forest system and the rising of 1381 are solid contributions to our knowledge of those subjects.

In the bibliographical notes we have noticed a few points which call for remark. There is, of course, a reference to the newly-discovered writs of the first parliament of 1275 (p. 129); but the problem which these writs suggest is not mentioned. Why did Edward I, having discovered the best form of representative assembly, turn aside to experiment for the next twenty years with assemblies of different and inferior types? It seems clear that his constitutional policy was less disinterested, less founded upon general principles, than Stubbs would have us suppose. To Stubbs the creator of the house of commons was a hero. To M. Petit-Dutaillis he is rather a master of chicane (p. 821). We are surprised that the latter has not reinforced his own opinion, and amplified Stubbs's account of the *Quo Warranto* inquests (p. 131) by a reference to Maitland's editorial introduction to the *Select Pleas in Manorial Courts*, where he would have found not only an illuminating study of the whole question of seignorial jurisdictions, but also some pertinent illustrations of the unscrupulous methods by which Edward I undermined the fabric of feudal privilege. In the same way new light has been thrown upon the judicial scandals of the year 1289 (p. 142) by the *State Trials* which Miss Johnstone and Professor Tout have edited for the Camden Society. We should also have welcomed an account of the modern literature relating to the *Modus Tenendi Parliamentum*, a work which Stubbs was fond of quoting (e.g. p. 199), but which he never subjected to a searching examination. But on the whole we have little cause to complain of omissions; and these notes frequently show a close knowledge of monographs which have been too little used in England. They do justice, for example, to the important results contained in Dr. Morris's *Welsh Wars of Edward I*; and they make full use of Mr. Round's *Forest of Essex*, and M. Déprez's *Études de Diplomatie Anglaise*. It would, however, have been well to establish a closer connexion between the foot-notes and the appendixes. In the first appendix it is proved (p. 817) that Stubbs misread the evidence when he accused Henry III of intending to cancel the Forest Charter, but this correction is not mentioned in the foot-notes to the relevant passage of the history (p. 46); and in the second appendix we are told that Stubbs under-estimated the practical effects of the Statute of Labourers (p. 864), but again the statement has been allowed to pass unchallenged in the foot-notes (p. 544).

The appendix on the forest system owes much to the researches of Dr. Liebermann and Mr. G. J. Turner. But it is founded on a careful study of the texts and makes some original suggestions of value. It contains a hypothetical reconstruction of a forest assize of Henry I, which is based

on the evidence of the *Leges Henrici*, the first Pipe Roll, and the Assize of Woodstock (p. 782). Whether an assize so comprehensive had been issued by Henry I, seems open to doubt. The *assisa* mentioned in his Pipe Roll (p. 158) may not have been anything more than a simple ordinance relating to dogs of the chase. But we admit that it is possible to reconstitute a certain number of rules which were enforced by the forest courts before 1135; and M. Petit-Dutaillis has good reason for his thesis that many, if not most, of the older forest laws were an importation from Normandy. He proposes to discuss the Norman forest law in the forthcoming *Mélanges Bémont*. But in the present appendix he makes some interesting allusions to French customs, which corroborate his theory. Thus in France, as in England, the king claimed the nests of 'noble birds' and the honey of wild bees (p. 793). The *expeditio canum* seems to have been a Frankish custom; it is found in more than one French fief (p. 794). The penalties which Henry I exacted from poachers were those to which, by Frankish law, all who infringed the sovereign's rights were liable (p. 797). Of more general interest is his suggestive comparison between the stages in the development and decay of the French and English forest systems. He is engaged in preparing a separate study of the French forest law in which this comparison will be elaborated, and further proofs will be given of the novel theory that the forest law returned to France from England (p. 848).

The appendix on the Peasants' Rising is specially interesting when we remember that it was M. Petit-Dutaillis who edited the epoch-making studies of the late André Reville. Reviewing the course of recent research he finds no reason for any substantial modification of the views which he expressed in that edition. But he does full justice to the researches of Mr. George Trevelyan, Mr. Edgar Powell, Mr. T. W. Page, Professor Oman, Miss Davenport, Mr. Feiling, and Miss Bertha Putnam. He is particularly impressed by the study, which Mr. Feiling contributed to this Review, of landlord policy between the black death and the rising of 1381 (p. 858); and by Miss Putnam's account of the machinery which was used to enforce the Statute of Labourers (p. 863). He makes new points in several passages. He contends that Froissart was more accurately informed about the rising than it is the fashion to allow (pp. 866, 880). He argues that the prominence of the lower clergy in the rebel ranks must be explained by an economic cause, 'une crise de salaires' (p. 867). He emphasizes the importance of the old soldier in the movement (pp. 870, 880).

It will be seen that these appendixes, while covering less ground than those of the first volume, are equally important as works of synthesis and criticism. M. Petit-Dutaillis has established his place, by the side of M. Bémont and Dr. Liebermann, as one of those foreign scholars who have rendered services of lasting value to English history. H. W. C. DAVIS.

Life of St. Francis of Assisi. By Father CUTHBERT, O.S.F.C. (London: Longmans, 1912.)

It requires a good deal of courage to publish a new life of St. Francis, not only because there are so many, but also because it is difficult to keep up

with the new discoveries which are constantly being made and adding to our knowledge or modifying the received opinions on particular points. Father Cuthbert, generally speaking, has kept abreast of the recent researches. His work is careful and accurate. His style lacks the distinction of Sabatier's and is sometimes a little jejune; but its very simplicity has an attractiveness of its own. And the book is thoroughly honest. The volume is divided into four books: the first is devoted to the period from the birth of Francis to the approval of the rule by Innocent III; the second ends with the Porziuncola indulgence; the third deals with the critical years from 1217 to 1223; and the fourth with the last three years of St. Francis's life. This is followed by four appendixes, on the primitive rule, the indulgence of the Porziuncola, the rule of the third order, and the sources of our knowledge of St. Francis. The illustrations are landscapes, except the frontispiece, which is a reproduction of the thirteenth-century portrait of St. Francis at Christ Church, Oxford, ascribed to Margaritone.

Father Cuthbert emphasizes the romantic and chivalrous element which played such a large part in the life of Francis and the beginnings of the Franciscan movement. The description of the character of Cardinal Ugolino and of his relations to St. Francis is acute and fair (e.g. pp. 211, 254, &c.); and no attempt is made to minimize the differences between St. Francis and the ministers, though perhaps not full justice is done to the point of view of the latter. A few points of detail may be criticized. The suggestion (p. 179) that the devotion of St. Francis to the sign *Tau* is to be connected with Innocent's sermon at the opening of the Lateran council is ingenious, but is weakened by the fact that the presence of Francis at the council is doubtful; it is certainly too much to say that 'in the November of 1215 Francis was summoned to Rome . . . as the founder of the new order' (p. 172). There is no evidence that Francis went to Rome before starting on his projected mission to France in 1217 (pp. 208, 211); Father Cuthbert is often, as in this case, too much guided by the Fioretti. An event which did happen on this occasion of the journey from Assisi to Florence was the visit to Arezzo and the denunciation of the demons of strife by Brother Silvester. Sabatier's study on Jacqueline de Settesoli (*Opusculum* xv) should have been referred to on p. 272; a knowledge of this would enable Father Cuthbert to correct n. 3 on p. 383. It would have been better to point out (p. 343) the differences in the descriptions of the stigmata given by Elias and by Celano; the later description is much more detailed but not really inconsistent with the earlier. The author shows himself less well informed when he goes outside strictly Franciscan history. Denifle has given good reasons for believing that Jacques de Vitry's description of the 'congregation of regular canons outside the city of Bologna' did not apply to the Dominicans but to the canons of San Salvatore (p. 251).¹ And Father Cuthbert's conception of feudalism seems to be of the vaguest kind, as shown for instance in his statement that 'the refusal of the Humiliati to take the feudal oath soon brought them into collision with the civic authorities' (p. 282).

¹ *Archiv für Lit.- und Kirchengesch.* i. 171.

The appendix on the sources is a fair summary and useful as showing Father Cuthbert's point of view, but it is not of much value as an original contribution to these much-vexed questions. In discussing the *Legenda Trium Sociorum*, he does not mention Professor Goetz's damaging criticism. In speaking of Father Lemmens's version of the *Speculum Perfectionis* he says: 'The probability is that it is a late compilation; and that the Sabatier compilation is the more authentic.' This is a very inaccurate statement of the case. There can be no doubt that Father Lemmens's version is a series of extracts, but that these extracts have been taken from an earlier and more authentic version. This may be illustrated by one instance. Thomas of Celano in his second legend (2 *Cel.* ii. 22) describes how Francis during his last illness wanted some parsley in the night, and gives the rebuke which the saint administered to his tardy companions in these words: 'Fratres mei, primo verbo praeceptum implete, nec exspectetis iterandum quod dicitur. Nihil enim impossibilitatis causemini, quoniam etsi supra vires ipse mandarem, viribus obedientia non careret.' This passage occurs in almost the same words, but divorced from its context, in Sabatier's *Speculum Perfectionis*, cap. 47. The story of the parsley in a primitive form, clearly the original of Celano's chapter, has recently been found in a manuscript formerly in the Phillipps library. The rebuke is here given in these words: 'Fratres mei, non debetis me facere dicere rem totiens.' The passage—divorced from its context—appears at the end of cap. 34 in Lemmens's *Speculum Perfectionis* in this form: 'Dicebat beatus Franciscus ad socios, quando sibi statim non obediebant: Fratres mei! non debetis mihi rem facere.' The conclusion that Father Lemmens's *Speculum Perfectionis* is based on an earlier version will help us to decide such questions as the choice between *ultramarinas* and *ultramontanas provincias* raised by Father Cuthbert on p. 207.

There are several typographical errors, especially in the quotations in foreign languages in the notes, e.g. p. 3, n. 1, *storie*; p. 6, n. 2, where some lines have dropped out; p. 171, n. 1, *la gouvernement*; p. 250 (last line), literal; p. 279, n. 2, *fratri*; p. 286, n. 1, *Detesntanda*; p. 297, n. 1 (pp. 135–6, should be p. 138); p. 302, n. 1, *De Episcopus*; p. 321, n. 3, *sequitor*; p. 341, n. 3, *quodam* (supply *continetur*); p. 343, n. 2, *speci*; p. 344, n. 3 (III Consid. should be II Consid.); p. 388, n. 2, *portius*; p. 397, *secundem*; p. 399, *laret*. But the book is free from the kind of errors in scholarship which marked the author's translation of Eccleston.

A. G. LITTLE.

Briefwechsel des Cola di Rienzo. Herausgegeben von KONRAD BURDACH und PAUL PIUR. iii, iv. (Berlin: Weidmann, 1912.)

THESE two volumes or parts form part of the second section or volume of Dr. Burdach's promised series styled 'Vom Mittelalter zur Reformation', in which he intends to embody the results of the investigations into the literary and artistic history of medieval Germany with which he was entrusted by the Royal Prussian Academy. This series is to be regarded as one work in which Dr. Burdach and other scholars collaborate; and the first five sections of it are announced as ready or in preparation, or in

the press, while others are to follow. With this work the present writer cannot deal as a whole, but it seems essential to the comprehension of the section before us to give a short and rough sketch of its scope. Dr. Burdach has propounded the position that the centre of gravity of German culture in the fourteenth century was the eastern portion of the empire : that Italian and French literary and artistic influences penetrated thither from Rome and Avignon, and revolutionized German style in both departments, spreading thence gradually to western Germany, and ousting medieval culture, just as Roman civil and canon law displaced the native codes. Accordingly, in Dr. Burdach's conception, the modern high German, which to most Englishmen begins with Luther's version of the Bible and extends to the era of Goethe and Schiller, subsisting even now in official documents, is based upon the Latin style of Rienzi and Petrarch. The friendship of Rienzi with John of Neumarkt and his detention in Bohemia are thus important factors in the literary development of Germany, and hence the letters of Rienzi become an integral part of Dr. Burdach's scheme. This enterprise was the more necessary because the existing editions of Papencordt and Gabrielli are both unsatisfactory. Papencordt was not concerned to print a critical text, and confined himself for the most part to Rienzi's own letters, some of which, however, were unknown to him ; Gabrielli's edition, though much fuller, is inaccurate, and furthermore very scarce. Dr. Burdach's plan comprises a volume of historical introduction, a volume of critical prolegomena, and a volume of notes and index, besides the two volumes before us. We are at some disadvantage in criticizing the book in this incomplete state, but must be content to set out briefly what it is. Part iii contains the text of all the extant letters written by or addressed to Rienzi ; part iv contains a selection of illustrative documents, and also a text edited by Dr. Piur of the ' *Oraculum Angelicum Cyrilli* ' with the hitherto unpublished commentary of the Pseudo-Joachim. This is of course as important for the letters written in Bohemia, as the other documents are for the earlier correspondence.

The method adopted deserves description, since it is considerably in advance of the treatment usually accorded to medieval texts. Each letter is printed as nearly as possible in the orthography of the original, and the model followed is in each case specified ; thus the usage of the period as to *c* and *t*, *u* and *v*, *i* and *j*, is faithfully reproduced, even to the extent of printing Petrarch's letters with *u* throughout, while the letters of Rienzi and of the pope have usually initial *v* and medial *u*. Capitals also are used as in the originals. The odd effect of this soon ceases to strike the reader, and the plan must have saved the copyist a great deal of uncertainty, nor does it in practice cause any appreciable confusion. All quotations are printed in italics, and words supplied by the editor are inserted between angular brackets. A special feature, due to the interest of the editor in the form of literary expression, is that the key-words on which the complicated constructions turn are indicated by leaded type. A full critical apparatus is provided, and short elucidatory foot-notes are given, principally for the purpose of indicating the sources of the quotations. Historical and other notes are for the most part reserved for the concluding volume. A brief statement of the contents is prefixed to each

letter, and some of the longer letters are provided with a marginal analysis in German. The table of contents gives the *incipit* of each letter. Such an edition is not likely soon to be superseded, and reflects credit on the editors and even on so august a body as the Royal Prussian Academy.

Dr. Burdach's researches in the libraries of eastern Germany have considerably added to the number of manuscript authorities, without, however, materially adding to our knowledge. The main authorities remain as before, the Turin MS. and the Vatican MS. from which Pelzel's copy was derived. The new matter consists of five genuine and four spurious letters of Rienzi and six letters to him, and of twenty-two illustrative documents. But many of these are papal letters, the contents of which were already known. The most important are Rienzi's report of the mission to Avignon in 1343, a letter in which he proposes to celebrate in verse the victory of the Doge Andrea Dandolo in 1353, and a congratulatory epistle on the journey of Charles IV to Italy in 1354. Dr. Piur's edition of the commentary of the Pseudo-Joachim is in this connexion rather of literary than of historical value, and the two additions to Rienzi's frigidly conceited correspondence with John of Neumarkt fall under the same judgement. The critical notes are rather too copious, since a rigid criticism would have eliminated as derivative some of the less valuable manuscripts and would have abstained from registering the misreadings of the previous editors, which as a rule are quite worthless. The most notable omissions in collation are those of the original letter of Rienzi, dated 7 June 1347, in the archives of Mantua, and of the Laurentian MSS. relating to Rienzi's embassy to Florence. The construction of the text is painstaking and usually convincing, Dr. Burdach's worst lapses being due to an occasional failure to recognize Biblical allusions which are, it must be supposed, more familiar to Englishmen than to Germans. Thus when Francesco Baroncelli quotes Jeremiah i. 6 and combines it with Exodus iv. 10, Dr. Burdach wants to correct 'Geremia' into 'Moisé' and misses the similar allusion to Jeremiah v. 1 in l. 65 of the same speech. Again, in Rienzi's letter to Clement VI (no. 35, l. 8) he reads 'ex *acuta*' for *exacuta* and omits to italicize the following *sagittare* owing to his failure to remember the words of the 63rd Psalm. He also occasionally misunderstands his text, as is shown by his treatment of 'contra promissionem suam venire' in Rienzi's circular to the cities of Italy (no. 41, l. 83). But such mistakes are as spots in the sun, and this is not the place to deal with them in detail. The reader who keeps in mind the possibilities of confusing *n* and *u* will be able to make some of the needful improvements for himself (e.g. *vividi* for *nitidi* in no. 58, l. 299). The letters contain one or two amusing sidelights on history; for instance, the story of the exhumation, or rather exarenation, and Christian burial, by Clement VI of the papal marshal who was credited with the kidnapping of Nicolino de' Fieschi in 1343 (no. 57, l. 927), and the story of the two German magicians sent by Rienzi to Lewis of Bavaria (Ill. Doc. 38, l. 73). On the vexed question of Petrarch's *Spirito gentil* we may gather Dr. Burdach's opinion from the fact that he omits it from his edition: his reasons are reserved for the last volume.

C. JOHNSON.

Le Codice Aragonese ; Contribution à l'Histoire des Aragonais de Naples.
Par ARMAND-ADOLPHE MESSER. (Paris : Champion, 1912.)

THE register here printed from the manuscript in the Bibliothèque Nationale was first described by D. Giampietro in the *Archivio Storico per le Province Napoletane*, ix. It contains 358 documents, and embraces the earliest portion of Ferrante's reign in Naples from 1 July 1458 to 20 February 1460. It is therefore a most welcome addition to the three volumes of registers on the foreign affairs of the reign published by F. Trinchera, which covers the years 12 January 1467 to 2 June 1468, and 2 October 1491 to 24 January 1494. Out of the original thirty-four volumes only four remain. The second volume, if only it could be found, would complete the most critical period of the reign, for the present register closes shortly before Ferrante's disastrous defeat on the Sarno.

The earlier letters deal with the refusal of Calixtus III to recognize Ferrante's title and the more favourable negotiations with Pius II with reference to the fiefs of Terracina and Benevento, and the pope's relations to Jacopo Piccinino and Sigismundo Malatesta. Another subject is the withdrawal from the blockade of Genoa which Alfonso I had established. The bulk of the volume, however, illustrates the rebellions which soon broke out in every part of the kingdom, distinct in themselves, but usually engineered by the great prince of Taranto, who was probably more wealthy than the king. The revolt of the count of Cotrone in Calabria is complicated by a quite independent rising of the peasantry, that of the house of Caldora in the Abruzzi by the French sympathies of the mutinous city of Aquila. Yet more serious is the outbreak in Apulia, for it endangers one of the chief resources of the Crown, the toll on cattle passing between the highland and the lowland pastures. A letter to the queen gives a vivid account of the futile attempts of John of Calabria on Naples, Baiae, Pozzuoli, and Ischia, and a little later reference is made to his landing in Campania by invitation from the king's treacherous brother-in-law, the prince of Rossano. Ferrante had apparently some suspicion of this worthy, for in an earlier letter he had warned the queen not to send him the artillery for which he asked. To the king himself the all-important matter seemed to be the winning of the services of Jacopo Piccinino. And yet he feared, and with only too good reason, that the *condottiere*, having gained admission to Apulia, might 'play a game of ball' with him. Another false friend was the count of Campobasso, one of his chief generals, who later became infamous by his betrayal of Charles the Bold. Even the loyal nobles, with the exception of the trusty Castilian house of Davalos, sold their support very dear, as is shown by the convention between Ferrante and the duke of San Marco and other lords. Among the clauses is the demand that the king should grant a *Moratoria* (*sic*) for twelve years in respect of all debts, whether due to natives or Catalans, Genoese, and Florentines, to all persons lay and ecclesiastical, except their own servants. It becomes easy to understand, if not excuse, the trapping and murdering of the great nobles in 1486, and the execution of Piccinino, when an honoured guest. The fault in these early days was mainly on the nobles' side, for the people had welcomed the *Rè 'italiano*, and we find

important communities such as Salerno and Nola begging to be transferred to the royal domain.

Dr. Messer adds to our obligations by his introductory chapters on the court of the Aragonese dynasty, the career of Pontano, which culminated, however, at a much later period of the reign, on the means by which this register reached the Bibliothèque Nationale, and on the diplomatic of the Aragonese chancery. It seems tolerably certain that the register must have been among the books bought by the French Crown from the dethroned Federigo's unfortunate widow. Much interest attaches to the language in which the letters are written. In the three volumes published by Trinchera there are no letters in Catalan, and only twenty-nine in Latin, whereas in that under review there are sixty-three Catalan letters, thirty Latin, and one Castilian. This would show that the Aragonese *entourage* of Alfonso I somewhat rapidly disappeared. The Italian is, however, subject to Neapolitan, Catalan, Latin, and even Castilian influences. Many of the letters are so vivid, and show such rapid variations as of a personal temperament, that Dr. Messer is probably right in supposing that they were dictated to his secretary Girolamo by Ferrante himself. In Neapolitan history the method of dating varies so frequently that the reader is wisely warned that under the Aragonese dynasty the year begins with Christmas.

E. ARMSTRONG.

Annals of the Emperor Charles V. By FRANCISCO LÓPEZ DE GÓMARA. Spanish text and English translation. Edited, with an introduction and notes, by ROGER BIGELOW MERRIMAN. (Oxford: Clarendon Press, 1912.)

PROFESSOR MERRIMAN has done a useful and careful piece of work in editing Gómara's *Annals*. Born, as Gómara tells us himself, on 2 February 1511-12, he became a priest, was at Rome about 1531 and at Venice in 1540, was appointed chaplain to Cortès the conqueror of Mexico, accompanied him on the Algiers expedition of 1541, and after his patron's death in 1547 lived at Valladolid, composing historical works, until his own decease soon after 1557. He is best known by his *Historia General de las Indias*, which practically gives Cortès's version of his own achievements, and provoked much hostile comment and an official prohibition in 1553. The *Annals* remained unpublished, and only two manuscripts, both of them seventeenth-century copies, are known to be extant; one is at Madrid, the other in the British Museum.

They were worth publishing, though we cannot quite accept their editor's estimate of their historical and literary value. Professor Merriman himself comes to the conclusion that the *Annals* were not written from year to year, but all composed in or about 1556. The constant references to subsequent events admit of no other conclusion. Thus, under 1509 Gómara writes, 'Queen Joanna enters Tordesillas, never to leave it'; this sentence cannot have been composed before that unfortunate lady's death in 1555, and similar instances occur throughout the book. This circumstance seriously impairs the evidential value of the *Annals*: for instance, the entry under 1509, 'The Infanta Catharine finally marries her brother-in-law, Henry VIII, King of England, having a dispensation valid even in case her

first marriage had been consummated,' would have been very important if really written in 1509; but written in 1556, nearly thirty years after the controversy over the authenticity of Julius II's briefs, it is of no value at all.

Professor Merriman is quite alive to these defects, but he sets considerable store on the 'carefully and brilliantly written' (p. xxv) passages in the *Annals*, and instances Gómara's characterization of Luther, on the 'vividness and realism' of which he again lays stress (p. liii). This insistence perhaps justifies quotation:

Luther, then, was a Master of Arts, and became a friar of the Order of Augustinian Hermits, in terror and fear of being struck by lightning. He was an epileptic, though many friars believed him to be possessed of a devil, and some said he had a familiar spirit, and even he himself acknowledged that he conversed with the devil and was well acquainted with him. . . In addition to his heresies Luther was a tale-bearer, a liar, a slanderer, a revolutionary, audacious, stubborn, vainglorious, rude, a cheat, buffoon, and drunkard, and in fact the personification of knavery, for he neither possessed nor taught a single virtue. He gained the adherence of the common people by speaking ill of the nobles, and that of the poor by speaking worse of the rich, and that of all men by overthrowing religion and attacking the Pope, and that of women by ridiculing virginity.

Professor Merriman's editorial work is sounder than his literary criticism, but he seems strangely forgetful of the consequence of the reform of the calendar. He adduces as evidence of Gómara's chronological inexactitude his assignment of Catherine of Aragon's death to 1535; but inasmuch as Catherine died on 7 January 1535-6, and Gómara wrote before Pope Gregory's reform, his date is quite correct. Again, in his introduction Professor Merriman tells us that Gómara was born on 'Sunday morning, the 2nd of February 1511'. His birth is, indeed, the last event Gómara records under 1511; but that is 1512, according to our reckoning, and a reference to Nicolas's *Chronology of History* would have shown Professor Merriman that 2 February 1510-11 was not a Sunday, while 2 February 1511-12 was. A few other editorial slips need correction. The catholic divine, who appears in the translation and in the index as John Ecclesio, should appear as Eck. On p. 99 Gómara refers under 1534 to 'The Schmalkaldic League of Lutherans and Catholics of which the Landgrave was the moving spirit', and the editor comments: 'Formed in December 1530. There were, of course, no Catholics in it; "y" in the text may be a slip for "contra".' Gómara, of course, has blundered; but his reference is almost certainly, not to the Schmalkaldic League, but to Philip of Hesse's arrangement with catholic princes, which enabled him in 1534 to wrest Württemberg from the Habsburgs and restore Duke Ulrich.

A. F. POLLARD.

Ostfrieslands Handel und Schiffahrt vom Ausgang des 16. Jahrhunderts bis zum Westfälischen Frieden (1580-1648). Von BERNHARD HAGEDORN. (Abhandlungen zur Verkehrs- und See-Geschichte, Bd. vi. Berlin: Curtius, 1912.)

THIS volume, along with the earlier one previously noticed in this Review, and several articles recently contributed by the author to the *Hansische Geschichtsblätter* constitute the fullest and most scholarly account with which we are acquainted of the trade and shipping of any European

port during the sixteenth century. The copious material furnished by the archives of Emden and Aurich has been supplemented from Hanseatic sources such as the late Dr. Höhlbaum's *Kölner Inventar*, and brought into connexion with the main authorities on Dutch history and with the chief available English records. Without such correlation, indeed, it would have been impossible to have given any adequate account of the rise of Emden to the front rank of European ports and of its speedy decline. The conditions to which Emden owed its sudden prosperity, its geographical situation between Germany and Holland, its control of one of the waterways into Europe, its neutrality during the Dutch war, its freedom from Hanseatic restrictions, were partly temporary and partly dependent for their continuance upon a solution of social and political problems which Emden and East Friesland failed to achieve. The temporary conditions brought Emden into new and active relations with the trade of Spain and the Spanish Netherlands, of Scandinavia and the Baltic, of central and southern Germany and of England. The extremely rapid growth of the port—comparable to that of modern Cardiff or Chicago—created a complexity of acute problems: a social problem between the classes of the city itself, an economic problem between the city and the rest of East Friesland, and a constitutional problem between the city and its lord the count. These problems were further aggravated by religious animosities. The city had become the leading resort of Calvinist refugees, who combined a keen *doctrinaire* interest in domestic policy with a fierce partisanship of the Dutch cause.

Dr. Hagedorn deserves high praise for having put so wide an interpretation on his task, for having attempted on the one hand to follow the threads of the involved international situation on which the expansion of the port depended, and on the other hand to trace the interaction of the social, constitutional, and religious developments on each other and their combined effect on the diplomacy of East Friesland. This largeness of design has fully justified the editor of the series in allotting two volumes to Dr. Hagedorn, and extenuates but does not quite justify the relegation of the technical account of the shipping of Emden to the pages of the *Hansische Geschichtsblätter*, since that account represents perhaps the most solid and permanent part of Dr. Hagedorn's work, and very materially advances our knowledge of the subject for the promotion of which the series was started. Its omission is not the less but rather the more to be regretted as it has left room for what seems an excessively detailed account of the disturbed conditions of maritime intercourse during the last quarter of the sixteenth century. Even Dr. Hagedorn's unusually vivid style can hardly save the interminable series of insignificant naval operations, blockades, and blockade runnings from a certain degree of monotony. The narrative of these events furnishes, no doubt, a valuable contribution to the history of international maritime law; and the prominence given to it is mainly due to the fullness and excellence of the material available in the records of Emden and Aurich. But the central position which it thus comes to occupy in Dr. Hagedorn's work would seem to have exaggerated his natural bias towards an interpretation of economic history which sees in the struggle for sea power the primary creative factor in national progress.

The dominance of this view, with which there mingles a certain patriotic subjectivity, considerably diminishes the value of the otherwise deeply interesting account of the conflict between the Merchant Adventurers and the Hanseatic League, which is continued through the episodes of the second and third settlements of the English at Emden in 1580-7 and 1599, and of their intermediate and later connexions with Stade. In Dr. Hagedorn's view it was an epic conflict, decisive for the economic future of England and of Germany; the Adventurers' organization was the deliberate instrument of a far-sighted and victorious national economy. But as far as the English facts go we are justified in doubting both the foresight and the victory. The alleged triumphs of English policy in so far as that aimed at strengthening the monopoly of the Merchant Adventurers and at excluding the German merchants from their accustomed share in English trade, would seem to have been won at the expense of the national commerce and industry and to have led immediately and unmistakably to a prolonged period of depression. Nor can we be easily convinced that a determined rally of the Hanseatic League in defence of its obsolete privileges in England and for the exclusion of English merchants from Germany would have endowed Germany with a living national economy and enabled her to forestall the achievements of the nineteenth century.

On a less controversial plane are the sections dealing with the civic life of Emden, and these are the most illuminating part of the book. Unique as the situation at Emden was, all the factors that entered into it were to be found interacting in different proportions elsewhere. The struggle of obsolete municipal ideals with an inchoate and unworthily represented nationalism, the rivalry between divergent types of protestant doctrine and discipline, and the further complication of both these antagonisms with the issues of municipal party politics and with the strife of class interests generated by new economic conditions—all these features are to be observed in the civic politics of contemporary Holland or Scotland or Switzerland; and Dr. Hagedorn's scholarly exposition and acute analysis of the exceptionally well recorded case of Emden will be of the greatest value to the future student of the post-Reformation municipal economy. The intrinsic interest of the Emden Revolution of 1595-1603, which embodies as in a microcosm most essential features of the larger and later revolutions of the seventeenth and eighteenth centuries, is further enhanced by the fact that Althusius, whose epoch-making *Politica* appeared during the struggle, abandoned his professorial chair at Herborn to become syndic of the city that had anticipated his doctrine. The volume includes an excellent map and two unusually complete indexes.

GEORGE UNWIN.

Calendar of State Papers, Ireland, 1601-3. Addenda 1565-1654, with Hanmer Papers. Edited by R. P. MAHAFFY. (London: H.M. Stationery Office, 1912.)

WITH this volume the *Calendar of State Papers* relating to Ireland under the Tudors, begun in 1860, reaches its conclusion. Three editors have worked on it: Mr. Hans Hamilton (1509-96), Mr. E. G. Atkinson (1596-

1601), and Mr. R. P. Mahaffy (1601-3). The lion's share both of the labour and of the honour attaching to it belongs of course to Mr. Hamilton. His volumes revealed a new world to students of Irish history, and together with the *Calendar of Carew Papers*, edited by Messrs. Brewer and Bullen, of which the first volume appeared in 1867 and the last in 1872, constitute a still unexhausted mine of information for the period covered by them. The time, we hope, is not far distant when Mr. Hamilton's first two volumes (1509-85) will undergo a revision or rather an expansion: as they stand at present they constitute merely a guide or index to the documents calendared in them. Of Mr. Atkinson's share in the work we have written at length in these pages (xi. 790-7, xvi. 160-2, xviii. 793-6, xxii. 368-70). Irish history, particularly during Elizabeth's reign, is not easy to master, and Mr. Atkinson's first volumes left much to be desired; but he quickly worked his way into his subject, and by holding fast to the lines laid down by his predecessor his later volumes were in every way so satisfactory that we cannot help regretting that he was unable to see the calendar to its conclusion. Mr. Mahaffy has the advantage over him in that he does not come new to the task. He can claim to have edited a stately row of volumes covering the period from 1625 to 1670. In the course of his work he has acquired a large knowledge of Irish history; but in several respects the present volume does not attain the level of its predecessors. Instead of completing the calendar on the lines laid down by Mr. Hamilton and continued by Mr. Atkinson, he has developed a new system, and one at variance even with his own practice in other volumes. The method of the calendar is to modernize the document but to preserve the original spelling of doubtful names and difficult passages. Whereas however Mr. Hamilton, followed by Mr. Atkinson, endeavoured in the index (which of course is the prime test of the editor's ability) to bring some sort of order into the erratic spelling of personal and place-names in the documents, Mr. Mahaffy has, while modernizing the language of the documents, attempted (not very successfully) to preserve the original spelling of personal and place-names in both index and text. This system has of course greatly lightened his work as editor, but it has resulted in an index which is a marvel of ineptitude.

For example, in all the previous volumes it has been the custom to write O'Neill in the index, irrespective of whether the name appears as O'Nele, O'Neal, O'Neale, O'Neill, or Neale in the documents. For some reason, however (not apparent to us), Mr. Mahaffy has taken it into his head to print O'Neale. So, too, we have Byrne for O'Byrne without a cross-reference, Reily for O'Reilly with cross-reference Rely, More for O'More, Toole for O'Toole, O'Shagness for O'Shaughnessy, and the like. We have Carties and MacCarthies, Carrolls and O'Carrolls, Connors and O'Connors, and so on; but O'Rourke [Brian] mentioned on pp. 73, 132, 148, 165, 172, 180, 183, 187, 188, 265, 267, 284, 402, 420, 469, 498, 530, 536, 551, 554, 562, is not indexed at all. Possibly Mr. Mahaffy intended to enter him under some such exceptional form as Rwrwk, and so forgot him altogether. The system has this further disadvantage that, instead of informing us which O'Reilly or Maguire is meant where the Christian name fails, Mr. Mahaffy contents himself with 'McCann (the chief)', 'MacGuire, Maguire [the

chief]’, ‘McMahons, MacMahownes, the (sept or chief of the)’, ‘Reylies, The, or O’Reilly, the’, and the like, although a reference to Mr. Atkinson’s volumes would have settled the difficulty for him in a minute. But we have ‘O’Donnell, Hugh Roe (the chief O’Donnell)’, ‘O’Sullivan, Donel, Lord of Bere (O’Sullivan Bere)’, and when we come to foreign names we have information more than sufficient, e. g. ‘St. Ives or Setubal, St. Ovile, St. Oves, St. Ovell’, though only the three last forms appear in the documents. This determination to treat the last volume of a series as an independent work is, we say, our chief complaint in regard to this volume. But we have another grievance almost as great. Mr. Atkinson, as we pointed out in our review of his last volume, lost a good deal of space by printing documents which had already appeared in the *Calendar of Carew Papers*. Mr. Mahaffy has thought proper (with the consent of the deputy-keeper) to exclude documents that have been printed in Fynes Moryson’s *Itinerary*, merely noting where Moryson omits or goes wrong. Now this is going too far in the opposite direction, for two reasons. First, Fynes Moryson, though a valuable writer, is not a prime authority. His work is not even entitled to rank along with Stafford’s (why does Mr. Mahaffy call it, pp. 236, 269, 272, Ware’s?) *Pacata Hibernia*; and secondly, it is too much to require from students of Irish history that they should purchase such an expensive work as that used by Mr. Mahaffy. If space had to be found and the cost of publication cut down this could have been attained by omitting the comparatively worthless Hanmer Addenda.

In reading the volume we have noted the following points: p. 5, the number of pages occupied by the document is missing; O’Mahon Cunhine (? Cunhnie), not indexed, was the son of Maelmoe O’Mahony of Castle-mahowny, called Moelmoe O’Mahone in the text; p. 17, Sackford in index should have a cross-reference to Seckford; p. 25, for Finae (also in index) read Finnea; p. 37, Morishe Atolane (also in index, *s. v.* Morishe) ought to be Atotane, i. e. James Fitzmaurice Fitzgerald of the burnings; p. 44, in letter from earl of Kildare, for ‘Earl of Kildare and me’ read ‘Countess of Kildare and me’; pp. 54, 165, ‘MacSwyne Banaught’s [Fanagh?],’ delete Fanagh (Banaught or Banagh is right) and correct index; p. 62, l. 3, for Ulster read Munster; p. 63, Bandebraslowe (i. e. Clann Breasail, cf. Clandeboy) is represented by the barony of Oneiland East, Co. Armagh; the fort of Enselaghlane *recte* Inishloughan is marked on Norden’s map about where Lurgan stands; p. 66, McOnoghlein we take to be McO’Laughlin, sometimes written McMelaghlin, an erroneous form of McLaughlin; p. 76, this Art McRory was not an O’Neill but a MacMahon; p. 77, the Christian name of Traves or Travers was John; p. 80, Cardinal Matheius might have been identified with Mathew de Oviedo, Roman catholic archbishop of Dublin, see also pp. 124, 192, 492; p. 87, Archarde should have been indexed with a cross-reference to Archer, Father James; p. 95, Art McHugh Mergoh, and p. 48, Art McEmergegh should have been indexed under O’Neill: Mergoh or meirgeach is not a personal name but an attribute meaning angry-looking; p. 96, Slat Art should have been indexed under O’Neill with cross-reference: the Slat (sliocht) Art Oge O’Neills, whose territory lay in the west of Co. Tyrone about Omagh, must be carefully distinguished from the Slat

O'Neills of Co. Down ; p. 109, Castle Roche is marked on Norden's map about where Belleek, Co. Armagh, stands ; p. 135, the suggested alteration of 'lost' for 'killed' with the insertion of 'in' strikes us as unnecessary : the sense of the passage seems to be that O'Connor Sligo's brother captured Collooney Castle, killed many of the defenders, and held it in the queen's name : cf. Stafford to Cecil, p. 140 ; p. 151, there is something wrong about the reference to Maps in State Paper Office, No. 9, or have the maps been recently renumbered ? p. 152, 'lodged in the Government' means, we presume, placed at Carrickfergus under Chichester's direct control : 'clashes' mean gutters or trenches to draw the water off, over which the hurdles were placed ; p. 165, Lough East, and so indexed, is apparently a mistake for Lough Eask ; p. 172 note, Garlanstown is in Co. Meath, not Co. Louth ; p. 173, for major read mayor ; Clontane is, we think, not Cloontagh but Clantane near Granard ; p. 195, Don Enoyre is not Doon but Dun an Oir near Smerwick, where the Spaniards entrenched themselves in 1580 ; p. 196, 'term on land' is a mistake for 'termon lands' ; p. 207, 'the Tewogh' is not Toome or Toaughe, but 'the Tuagh', a district in Co. Armagh, marked on Speed's map ; pp. 256, 267, 373, 476, 525, Culmackatrin is miles away from Kilmacrenan, with which Mr. Mahaffy identifies it : the fort is clearly marked on Norden's map on Lough Swilly a mile or two south of Castle Burt ; p. 287, by 'crubde' is surely intended 'curbed' not 'cribbed' ; p. 296, Sursey is a misprint for Dursey ; p. 300, Linsall is a mistake for Kinsale, and Allantado should be written Adelantado ; p. 315, Lough Coane (Cuan) is merely the old name of Strangford Lough ; pp. 316, 352, the castle of Ronnehaddye or Ranahady is not situated in Island Magee, but on the other side of the lough : it is marked Rainhadye on Norden's map where now Ringdufferin is situated ; p. 331, Killala, which Mr. Mahaffy suggests for Maioonsensis, is unnecessary : Mayo was the seat of a bishopric, afterwards united to that of Tuam ; p. 338, 'Bondnorys' is difficult to identify : we suggest Benadanir, a small port or landing-place a mile or so west of Dunseverick ; p. 343, Lough Foyle appears to be a mistake for Lough Neagh ; p. 372, by Barrestmore we presume is intended Barnesmore : the territory assigned Nial Garve would in that case be represented by the barony of Raphoe ; p. 392, the site of 'Dunne Marcke', i.e. Dun na Marcaighe, the castle of the knight, or Carew Castle, is given on Norden's map ; p. 393, Glengarve might have been indexed under Glengarrieff ; p. 399, Ardtely is Ardtully ; p. 415, 'Loaghe Lugge' is unfortunately not marked on Norden's map : the only place eight miles from Toome that seems to answer to the description is Coagh : Magherlocowe is perhaps the same place ; p. 444, Killetro might have been indexed under Kylletragh, a district forming part of the great forest of Glanconkein to the west of Lough Neagh : Lough Sidney is merely another name for Lough Neagh ; p. 456, 'the Foghan' is not Fahan, but the river Faughan of which the Bangibbon is a tributary ; p. 479, for McSwinge read McSwinye : the document is printed in full in McCarthy's *Life of Florence McCarthy* ; p. 506, 'Slutt Henry Hyughes' : Dr. Grattan Flood, to whom Mr. Mahaffy owes some of his best identifications, thinks that this was a branch of the Clandeboy O'Neills : we would suggest that Hyughes is merely an angli-

cized attempt at O'h-Eochadha, like Haughey, Haugh, and Hoey: see O'Donovan, *Topographical Poems*, notes, p. xxv (161), and *Annals of Four Masters*, s. a. 1172; p. 520, in Ormond's letter to Cecil for 'my niece' read 'my daughter'; p. 525, Anna is merely another form of Enagh, and should have been indexed under Aynogh; p. 552, a reference to Tyrone's letter to Mountjoy as having been printed at p. 535 would have been sufficient; p. 566, Urecklowes is perhaps Docwra's way of writing Arbowe; p. 567, sixteen lines from bottom, for 'will hold' read 'withhold'; p. 633, by Choeme is probably intended Cloyne.

The period covered by the volume is a very important one, but so far as the Spanish invasion, the measures taken by government to meet the danger, the efforts of Tyrone and O'Donnell to raise the siege of Kinsale, and the operations of Sir Henry Docwra at Derry are concerned, the documents printed add little to the information we already possess. Mr. Mahaffy has discussed these subjects very fully in his introduction, and the pains he has taken to explain the military situation deserve recognition. More important, because they touch on points not so well known, are the letters of Sir Arthur Chichester from Carrickfergus, those of the president of Connaught, Sir Oliver Lambart, and those of Sir Ralph Lane from Rinnahaddy. We share Mr. Mahaffy's admiration of Mountjoy's administrative capacity, but he should not forget that his association with Essex gave at first just grounds for Carew's suspicions. To Carew Mr. Mahaffy is manifestly unfair, and he takes rather a malicious pleasure in relating how he was outwitted by O'Donnell. We have no great opinion of Tyrone's military ability, but there is nothing in this volume to warrant the charge of personal cowardice so freely preferred against him by Mr. Mahaffy. On the contrary, we think that in the circumstances he showed a good deal of moral courage in going to Kinsale at all. As for the depreciation of the coinage from which so much was expected, Mr. Mahaffy is no doubt right in regarding the arguments urged in its favour as economic fallacies, but a clearer perception of Elizabeth's difficulties would have led to a more moderate condemnation of her policy.

R. DUNLOP.

Sir Roger L'Estrange, a Contribution to the History of the Press in the Seventeenth Century. By GEORGE KITCHIN. (London: Kegan Paul, 1913.)

MR. KITCHIN'S purpose, conveyed in the sub-title of this book, has been to make a 'contribution' to the history of the press in England during the latter half of the seventeenth century. He has made Sir Roger L'Estrange the centre of his theme, not because Sir Roger was either particularly interesting as a personality or particularly eminent as a man, but because by taking a part 'in almost every movement of his time' and by being identified at every stage with the press, he sums up in his own history the history of his age and, in this connexion, becomes naturally the most conspicuous figure. This method of arrangement, of course, makes it inevitable that in the discussion of political events and of the pamphlet literature to which they gave rise—Mr. Kitchin's acquaintance with which shows the fruit of long and careful research—L'Estrange himself should occasionally recede into the background, but if the text

seems sometimes to be almost overlaid with information, the information is always pertinent, and the author has shown considerable discrimination in keeping matters of other and wider interest in subordination to the object in view.

The main interest of the history begins with the Restoration and with L'Estrange's crusade, first as an independent pamphleteer, and then as a more or less recognized official, against dissent and seditious opposition to the government. The popish plot naturally occupies a prominent place, but though Mr. Kitchin discusses the evidence at Oates's trial in some detail, he does not attempt to draw any fresh conclusion or to endorse any partially accepted view. He is content to leave it—as Cibber left it—'one of those secrets which will ever remain so'. The final chapter contains an appreciation of L'Estrange's work as a translator, and not the least valuable part of the book is the full list, given in the appendix, of his published writings. As to the private side of L'Estrange's life, Mr. Kitchin has not been able to add much to that which is already known. He warns us, indeed, at the outset that L'Estrange 'has left scarcely any private history', and to the end the 'hero' of the book remains rather a shadowy figure. This absence of the human element may, as Mr. Kitchin suggests, be 'actually of some value' to the historian in that the importance of L'Estrange's public life is not obscured by personal details, but it increases the difficulty of arriving at a just opinion of his character as a man. In so far as Mr. Kitchin's investigations bear on this aspect of the subject, they reveal L'Estrange in an unfavourable light. In an age when self-seeking, bigotry, and malice were common he seems to have indulged those vices to an unusual degree, but after all, self-advertisement was largely forced upon him by the ungenerous treatment meted out by the party which he endeavoured to serve, and bigotry and malice were the almost inevitable accompaniments of his profession. The story of his public life, therefore, can at best give but a partial picture, and for the rest the materials are wanting.

In the wealth of foot-notes with which the text is supplied it is not surprising that slips should now and then occur, but there is an occasional looseness in the references which might with advantage be remedied. For example, Mr. Airy's edition of Burnet's *History of my Own Time* is cited indifferently as 'Burnet (Own Times, Airy's edition)', 'Airy, Own Times', and 'Airy, Burnet'. The passage quoted on p. 68, n. 4, occurs in vol. i, p. 288 of the above-mentioned edition, not on pp. 166-8. 'Macray's Clarendon' (p. 32, n. 4) should be 'Clarendon State Papers', and there are one or two small errors of a similar kind. The index is not quite full enough. For example, Simon Dover is mentioned in at least four places in the text besides the two given in the index, and several names of persons, pamphlets, and subjects are omitted altogether. G. B. TATHAM.

L'Œuvre législative de la Révolution. Par L. CAHEN et R. GUYOT. (Paris : Alcan, 1913.)

In the preface, in which the compilers explain the object and scope of this collection of decrees passed during the years 1789 to 1795, they provoke,

disarm, and then invite criticism. They point out truly that the large collections of revolutionary legislation, such as the *Bulletins des Lois*, *Procès-verbaux*, &c., are not accessible or necessary to the ordinary student, and they claim to have satisfied the need for 'un ouvrage moins complet, mais plus accessible et plus maniable, où l'on trouverait vite et sûrement les éléments d'une documentation originale'. They admit that their work is imperfect, 'mais si l'on ne peut être à l'abri de tout reproche, est-ce une raison pour renoncer à l'entreprise ? Nous ne l'avons pas cru. Il est à peine besoin d'ajouter que nous sommes prêts à profiter de toutes les observations justifiées.' This invitation encourages a critical examination of the book. It is divided into four parts: the first, 'l'œuvre politique et constitutionnelle,' is subdivided chronologically into three periods; the second, 'l'œuvre administrative,' is divided into chapters dealing with the administrative, judicial, and financial organization; the third, 'l'œuvre militaire et diplomatique,' explains its subdivision by its title; the fourth, 'l'œuvre économique et sociale,' is divided into the laws affecting religion, persons, goods, public instruction, public assistance, and economics. Obviously, some system of classification was essential, but it is equally obvious from the heterogeneous character of many of the decrees that this or any other system must produce overlapping and uncertainty, which demand cross-references and an exhaustive index. The fundamental defect of the book is that both are wanting. The decree of 4 and 5 July 1792, declaring the country in danger, is a good test case. Is it political, administrative, or military? Three of its articles appear on p. 50 in the political and constitutional section under the title, 'Décret sur la patrie en danger.' Nine of its articles, among which are two of the three already quoted, appear on p. 270 in the military chapter, under the title, 'Décret qui fixe les mesures à prendre quand la patrie est en danger,' but with no indication that any part has been previously quoted, though in a note in the administrative section a reference is made to the text on p. 270.

Many of the headings in the fourth part, such as 'personnes, biens' or 'vie économique', are particularly indeterminate. The student, wishing to find a list of the laws affecting the *émigrés*, might look under the heading 'persons or goods', or possibly in the administrative section, but he would probably be surprised to find the sub-heading 'émigration' in the chapter on the judicial organization. It is difficult to see what connexion the decrees against the *émigrés* have with judicial reforms, except in so far as they are enforced by the courts, an argument which applies equally to every other decree. Again, the student might have taken the national guard as the subject of his researches. The heading appears in the table of contents under 'l'œuvre militaire'. Turning up the reference he will find only the law of 29 September 1791, relating to its organization. Since the national guard was not a purely military organization, it is obvious that other decrees must be given in different chapters, even though the table of contents gives no other reference. By going carefully through the whole book, the student will find in the political and constitutional chapter the famous decree of 10 August 1789, the decree concerning the federation of 1790, the clauses relating to the public force in the first constitution, and the decree referring to the federation of

1792. Under the judicial organization he will find the martial law which directly concerns the national guard, not to mention the decrees on the police which could only be carried out by them. In the military chapter he will find the decrees of 21 June 1791, 'relatif à la mise en activité de la garde nationale,' and of 4 August, 'relatif à la formation des corps de gardes nationales destinés à la défense des frontières,' though in the table of contents these decrees are classified under the heading volunteers.

All the decrees of any importance appear, admirably abbreviated, in some portion of the collection, but it cannot be said that a particular law on a particular subject can be found 'vite et sûrement'. Yet a collection of the kind was much needed, and the book as it stands is of great value. The compilers deserve the highest gratitude of every student for their laborious task, but it is to be hoped that they will consider a prayer for the inclusion in a second edition of an exhaustive index, and a system of cross-reference from one section to another, 'une observation justifiée.'

M. A. PICKFORD.

Austerlitz ; la Fin du Saint-Empire (1804-6). Par E. DRIAULT. (Paris : Alcan, 1912.)

THIS volume includes several other topics than those indicated in the title. At the outset M. Driault sketches the origins and organization of the Holy Roman Empire and indicates some of the causes which induced decay. It would have been better to omit the former so as to make room for a more adequate description of the latter; the only thing needful was to indicate clearly the position in 1789 and in 1803, at and after the secularizations. The latter event needed fuller treatment than it receives on p. 31; for it altered the status of the empire, the balance of power, and the relations of France to what was almost a new confederation. M. Driault, however, does justice to the efforts of Francis II to strengthen and consolidate the empire. But obviously the difficulties were greater now that he had to deal with secondary states of the importance of Bavaria and Baden, the latter of which gained 212,000 inhabitants, with the prospect of acquiring eventually the Breisgau, recently devolved on the former duke of Modena. Evidently the rise of these secondary states tended to weaken the organization of the 'circles', which for some time had lacked vitality. Napoleon complained that France lost ground relatively, owing to the aggrandizement of Austria, Russia, and Prussia in these years. But he left out of count her gain of influence in Germany by the aggrandizement of the south German states, who looked to her for protection against the Habsburgs. In regard to political influence France gained more than Austria, as was to be seen in the campaign of 1805. M. Driault passes in review the Ettenheim incident, and other events, notably the annexation of Genoa, which led up to the rupture of that year. It is characteristic of Napoleon that he made light of them, and refused to offer to Austria any explanation on the recent changes in Italy. As M. Driault says (p. 219), it would have been very easy for Napoleon to break up the hostile coalition, which was being formed with great difficulty. That he did not do so adds credibility to the supposition that he always kept open the

alternative of a continental war. But to say, as M. Driault does (p. 220), that he assembled his grand army at Boulogne in order to be able to take Austria unawares, is open to question, in view of the emperor's confident expectation that Villeneuve must appear, and that Prussia, whose alliance he then anxiously sought, would keep Austria and Russia in check.

M. Driault does not describe the battle of Austerlitz, but he recounts clearly its many important results, in Italy, Germany, and Holland. The formation of the confederation of the Rhine led to many changes at the expense of the smaller princes. M. Driault says, rather oddly, that their weakness called for the presence of a mediator-protector, Napoleon, and then admits that he dethroned ten of them. In connexion with the suppression of the principality of Fulda, held by the dethroned prince of Orange, it should have been noted that Napoleon, by a treaty with Prussia in May 1802, had awarded Fulda and other ecclesiastical and imperial domains to the house of Orange as indemnities for its continued exclusion from the Dutch Netherlands. The act of confiscation was therefore one of injustice calling for censure. In fact the severance of the confederation from Austria and its virtual subjection to Napoleon constituted a revolution in Germanic affairs which the ironical interpretation of history in Talleyrand's note of 20 July 1806 scarcely pretended to justify. In the Anglo-French negotiations of 1806, M. Driault admits that Napoleon from the outset took up an attitude which gave little promise of peace. The Oubril fiasco hardened his tone, and thus led up to the campaigns of 1806-7. M. Driault adds a useful bibliography; but it should comprise Mr. H. A. L. Fisher's *Napoleonic Statesmanship: Germany*; Winkopp's *Der Rheinische Bund*; and Gagern's *Memoirs*.
J. HOLLAND ROSE.

Correspondance du Comte de la Forest. Vols. iv, v. (Paris: Picard, 1910, 1911.)

THESE volumes of the correspondence of the French ambassador in Spain cover the period July 1810 to December 1811, which may be termed that of the French supremacy. They show the unreality of that supremacy even at the time when Masséna, Soult, Suchet, and other French commanders were pushing Wellington and the patriots hard at the extremities of the Peninsula. The artificial character of the rule of King Joseph receives fresh proofs at several points. In fact, the difficulties in the administration at Madrid had little relation to the condition of military affairs. The same tone of despondency characterizes La Forest's reports in the early autumn of 1810, when Masséna was advancing on Torres Vedras, as after the calamitous retreat of that marshal from Portugal. On 7 October 1810 the official reports as to the helplessness and humiliating position of the king resemble the well-known passage in Miot de Méliot's *Mémoires*, describing Joseph's government as an object of derision for the French and of aversion for the Spaniards. The creation of the military governments for the French marshals in Spain, and the inclusion among them of the districts of Valladolid and Burgos by the decree of 29 May 1810, struck a blow at Joseph's authority which no military triumphs

could make good ; and a great part of these volumes is occupied by complaints of the king against Napoleon's new system and its overbearing executants. The latter decree enabled the French emperor to order the deportation of the Spanish national archives deposited in the castle of Simancas, and a small part of them, filling 212 chests, was sent to Paris and was not returned until 1815. La Forest pointed out the blow to Spanish pride caused by the withdrawal of the records of the ancient monarchy and of the Indies. His representation, apparently, was disregarded ; but the physical difficulties in the way of transporting 12,000 chests prevented the accomplishment of the emperor's designs.

La Forest looked eagerly for the news coming from Masséna's headquarters in Portugal, and regarded that campaign as likely to decide events in Spain : ' Il est évident que rien n'est praticable avant l'expulsion des Anglais ' (p. 292). The rage of Napoleon at the course of events on the Tagus and the incapacity of Joseph found expression in the private ' ultimatum ' of December 1810 to the latter, with the contents of which La Forest became acquainted. The desire of Joseph to escape from the ignominious position thus inaugurated led to the well-known events of the spring and summer of 1811. The disputes with Soult and Marmont are referred to, and the causes of the *débâcle* of 1813 are apparent enough in 1811. It is curious to find the Spaniards confidently foretelling, early in September 1811, the rupture of France with Russia. It is evident that English newspapers informed the patriots at Cadiz, and through them a great part of Spain, of all the movements of the powers against Napoleon ; so that the Russian chargé d'affaires at Madrid heard of the tension between his government and that of France at all the houses which he visited (v. 225). Other points of interest in this volume are the importance attached by Napoleon to the conquest of Valencia ; the activity of the Catalans and other Spaniards, whose provinces were less firmly occupied owing to the concentration of French troops against the wealthy province of the south-east ; the persistent dearth at Madrid and throughout Spain (corn was four times the ordinary price at Madrid in November 1811), which caused the effort of Victor to capture Tarifa and thus to facilitate the import of corn and oxen from Morocco ; and the bad effect produced by the news of the captivity of Pope Pius VII. The financial difficulties increased. Despite the efforts at economy in the budget of 1811, La Forest reckoned the probable deficit for 1811-12 at 1,567,185 francs per month (v. 327). It is not surprising that Joseph insisted warmly on the payment of the subsidy of 1,000,000 francs per month promised by Napoleon ; and La Forest had some difficulty in appeasing him by pointing to the solid advantages to be expected from the tenure of the crown of Spain. Joseph admitted that the financial difficulty was due largely to ' le refoulement inattendu de la dévorante armée de Portugal '. But he added, ' mon gouvernement s'éteint, à défaut d'aliments, et ma maison devra bientôt être fermée.' Many similar details appear in the well-known memoirs of King Joseph and Miot de Melito ; but it is well to have the warrant for them from an official of Napoleon, whose comments afford convincing proof of the impossibility of the Spanish experiment. The notes of the editor, M. Geoffroy de Grandmaison, are careful and accurate. Occasionally they add

illustrative comments drawn from the *Archives de la Guerre*, as when (v. 287) he shows that Marshal Jourdan, proceeding from Vittoria to take up his governorship of Madrid, occupied the period from 18 August to 28 September in that journey owing to the want of a sufficient escort.

J. HOLLAND ROSE.

Briefe von und an Friedrich von Gentz. Herausgegeben von FRIEDRICH CARL WITTICHEN und ERNST SALZER. III. Band, 2. Teil: 1820-32. (Munich and Berlin: R. Oldenbourg, 1913.)

WE have dealt at so much length with previous parts of the late Dr. Wittichen and Dr. Salzer's standard collection of Gentz's correspondence that a brief notice must suffice of the present volume, which deals with his correspondence with Metternich in the years 1820-32. It is full, indeed, of amusing as well as interesting detail, such as Metternich's no doubt authentic account of the offer to him of a cardinalate, and his vehement denunciation, echoed by Gentz, of the projected foundation of the university of London as certain to be followed, within five years, by the downfall of England. But, as a whole, this portion of the correspondence is in so far disappointing that of German affairs in the period from the Carlsbad Decrees onwards (the volume begins with a notice of an offensive article in the *Allgemeine Zeitung* on the execution of Sand) we hear comparatively little, while from the numerous communications concerning Austrian policy, and its conflict with Russian, on the subject of the Greek insurrection, we gather the impression that Gentz had no important influence upon its course. At first he seems content to reflect, though more faintly, Metternich's settled opinion that the insurrection must collapse; and it is not till August 1825 that he ventures to point out that the end is not so near as might perhaps be concluded from the recent great successes of the Porte.

As a matter of fact, Gentz's relations to Metternich during the twelve years covered by this volume appear to have been mainly threefold. In the first instance, he supervised the Austrian press, specially directing the Vienna *Beobachter*, while at the same time having an eye to German newspapers published outside Austria, more especially to the Augsburg *Allgemeine*, 'the great repertory of indiscreet publications,' and even to foreign journals, French in particular. It is instructive to notice the wrath excited in this great publicist and journalist, as well as in his chief (who, on at least one occasion, did not disdain himself to write an article in a French paper against Canning), by the freedom of journalistic comment. Gentz is for ever girding at the licence of the papers, and even proposes to advocate an international prohibition of attacks upon the 'chief authorities' of foreign states—such as his revered correspondent. In the meantime, he was actively employed by Metternich in the journalistic propagation of his schemes—the *quomodos* (to use his own phrase) which were constantly suggesting themselves to his diplomatic mind. In the second place, Gentz's pen was always at the chancellor's service for the revision, and at times for the formulation, of state papers—both drafts of communications to the Diet, such as the presidential proposals to it

on the renewal of the Carlsbad Decrees, and dispatches, such as the secret letter to Canning in reply to his *dépêche réservée*, brought to Vienna, towards the close of 1824, by Stratford Canning, in defence of Great Britain's defection from the St. Petersburg conferences. Finally, Gentz makes his appearance in this volume as Metternich's literary *alter ego*—but an *alter ego* who, as the great statesman's curious letter on the character of Napoleon, drafted by him for posterity, shows, was not to be at liberty to modify anything but the form of the original composition. On the whole, Metternich's sensitiveness as an historical writer does him honour, and it is no hollow phrase (a thing which he describes himself as detesting) when he summarizes his view of Napoleon as, 'not a great man, but endowed with great qualities and still greater faults.' For himself, he was at least a good hater :

Your opinion of Pozzo has been mine for a score of years. There is something in my nature which drives me straightway, as scent drives the pointer, at certain individuals ; no sooner have I had a sniff at them, than they are off as fast as they can, and then there is no question of any further approach between us. These men are always great adventurers, such as Pozzo, Capodistria, Armfeldt, d'Antraignes, &c. Without my knowing them personally, my nature strains against them. There is also another sort of men, with whom I do not succeed any better : of this sort are Chateaubriand, Canning, Haugwitz, Stein, &c. My instincts go against them also, but in a different way. I could almost undertake to qualify each individual at our first meeting.

Pozzo, he kindly adds, 'will end with an awful fall.'

A. W. WARD.

Geschichte Russlands unter Kaiser Nikolaus I. Band iii : *Kaiser Nikolaus im Kampf mit Polen und im Gegensatz zu England und Frankreich, 1830-40.* Von THEODOR SCHIEMANN. (Berlin : Reimer, 1913.)

THE narrative of Professor Schiemann, now fully under way, advances more rapidly, and the present instalment covers ten years. The objectivity of the treatment is as impassive as ever. There is no effort to be impressive, and the author seems to avoid deliberately the rhetorical arts of epigram and irony which even a scrupulously objective writer may fairly employ occasionally to enliven his pages. It is rare indeed, and it is a relief, to find him on the verge of irony, as when he writes, with reference to the emperor's view of the situation in 1840 :

Der 'beste Freund' der Türkei war wiederum Russland, wie 1833, gewesen, und eine gefährliche Verjüngung ihrer Macht, wie er sie von einem Siege Mehemet Alis und einer ägyptischen Dynastie in Konstantinopel befürchtet hatte, glücklich abgewendet.

The strongest feature of the work is the skill with which the character of Nicolas is revealed, without any formal portraiture. But the book is one which will appeal almost exclusively to the most serious students.

A purely opportunist ruler with broader sympathies would have done better for his country than Nicolas with his sincere and conscientious adherence to principle. This is the verdict suggested by the present volume, in which his unlucky *Prinzipienpolitik*—provoked into an almost feverish

activity by the July revolution—stands out in relief. He never understood the meaning of justice, as Professor Schiemann tells us; justice was for him simply synonymous with law. He wrote himself: 'Nothing the law does not expressly allow is innocent.' The *Willenskraft* of the autocrat was his ideal; but his own was a sham, and when the earth quaked it fell off him like a mask. This weakness, inherent in his neurotic temper, was glaringly disclosed when Diebitsch met with reverses in the campaign against the Poles. He drew up a memorandum (already published by Schilder) proposing to spew out of his mouth an ungrateful country, to fix the Russian frontier on the Vistula and the Narew, and to abandon to Prussia and Austria the rest of Poland, as unworthy to belong to Russia, and even sounded Berlin on this amazing solution of the Polish problem. The subsequent treatment of the Poles, after their subjugation, was dictated by vengefulness far more than by principle.

Autocracy, orthodoxy, and nationalism were now recognized explicitly as the triple basis of Russian policy. The emperor's judgement on constitutional kingdoms is produced by Professor Schiemann (p. 171):

I can understand monarchical and republican governments, but a constitutional system is unintelligible to me. It means constant sleight of hand, and would require the art of a tight-rope dancer. Were I a private person and had to choose a home for myself and my family, I should prefer a republic, for this constitution offers most securities. But it is not suitable for all countries.

Poland, for instance, needed a government corresponding to the pleasing patriotic catechism composed by the bishop of Wilna. 'Q. What kind of obedience do we owe the emperor? A. Complete, passive, unlimited.' In regard to nationalism, which meant Russia for the Russians and Russification of all parts of the empire, Nicolas did not go so far as his chief ministers. He had tender feelings for the knights of the Baltic provinces, and had always shown marked favour to the Germans, who practically manned the Foreign Office and in the high military posts outnumbered the Russians. The emperor resisted all the pressure that was put on him to curtail the privileges of the Baltic provinces; he left them their language and their law. As to orthodoxy, his intolerant zeal is illustrated by such an incident as this. When the Princess Zenaïde Volkonski, who had joined the Roman church, visited St. Petersburg to see her relatives, he ordered her to leave the city within twenty-four hours.

The limits of this volume are fixed by two events external to Russia, both of which deeply affected Nicolas—the fall of the Bourbon monarchy and the death of his father-in-law, Frederick William III. After the July revolution, it almost seemed that the tsar desired to restore his country to its old pre-Petrine position of holy isolation, and screen it by a Chinese wall against the wickedness of the West. He attempted to keep his subjects in ignorance of all that had happened in France, and Frenchmen entering Russia were catechized on their political opinions. His first attitude to the July monarchy was that of a protester in the name of legitimacy. But legitimacy was an obsolescent principle. Whatever Talleyrand might say, to curry favour with Louis XVIII, legitimacy had not influenced the decisions of Europe in 1814–15; the Bourbon restoration was

simply the line of least resistance. Louis Philippe might have reminded Nicolas that in 1815 Alexander had supported the claim of Orleans. The tsar's foreign policy in the following years was guided by the two ideas of using the states of central Europe as a barrier against the deluge of western liberalism and detaching England from France.

The emphasis laid on the death of Frederick William III is no small contribution to the comprehension of the reign of Nicolas. His father-in-law was the only crowned head to whom the tsar looked up and in whose sympathy with his own principles he trusted. His death both removed a restraint and increased the self-importance of the tsar, as now the sole guardian of sacred principles and the main support of European stability. And it inaugurated a new unsympathetic Prussia—

nicht mehr das Preussen Friedrich Wilhelms III., sondern das Preussen Friedrich Wilhelms IV., unter dem eine neue Gedankenwelt sich auf deutschem Boden zur Geltung zu bringen bemüht war, die zu allem im Gegensatz stand, was dem Kaiser Nikolaus in den Kreis seiner unerschütterlichen Grundsätze fiel.

The Polish war, the vicissitudes of the Eastern crisis, the subjugation of the Caucasus, are described in the way with which the previous volume has made us familiar. It may strike us perhaps occasionally that there is a little too much detail, but on the whole the author's tact in selecting the significant is remarkable. Attention may be called to his conclusion that the desperate obstinacy of the Poles was affected by the fanatical patriotism of the women, and by the artificial sentiment of *honneur*, for which the Polish language has no word. No mention is made of the Stratford Canning incident of 1834.

To the list of corrigenda may be added : p. 120, l. 7 from foot, hatte ; and l. 6 from foot, Verpflegung ; p. 121, l. 8 from foot, das (*for* dat) ; p. 162, n. 2, l. 10 from foot, Englische ; p. 258, n. 1, Letters.

J. B. BURY.

Oxford Studies in Social and Legal History. Edited by PAUL VINOGRADOFF.
Vol. iii. (Oxford : Clarendon Press, 1912.)

THE third volume of this valuable series of original investigations in economic history has more variety than its predecessor. Miss E. C. Lodge deals with 'The Estates of the Archbishop and Chapter of St. André of Bordeaux under English Rule', and Mr. A. W. Ashby with 'One Hundred Years of Poor Law Administration in a Warwickshire Village'. Miss Lodge's study of the economic conditions of two great ecclesiastical estates in Gascony is mainly based upon materials preserved in the Archives Départementales of the Gironde, but these are constantly supplemented and interpreted by her extensive knowledge of the facts of land tenure and rural society in Aquitaine generally. The chief interest of the state of things presented in this very full and careful investigation lies in its unlikeness to contemporary conditions in England, indeed in the whole of north-western Europe. Manorialism, which dominated everything in the latter region, did not exist, or only existed in a most attenuated form, in the Bordelais, and what is true of the Bordelais seems in large

measure to hold good of all the wine-growing districts of the south-west of France. Features characteristic of the northern manor appear here and there, but they are isolated and comparatively of little significance. It is true that on the vast church estates which are examined very little land was retained in hand as private demesne, because the dues of tenants provided their lords either with corn or with money for its purchase. On smaller estates there may have been, indeed must have been, more demesne land and consequently more regular labour services exacted from the villeins. But it seems significant that from the thirteenth century onward the villeins generally were called *questales* (*hommes questales*); the emphasis is laid upon their liability to payments (*quête*), their tallagability, rather than upon their membership of a village community practising common cultivation, whose most onerous obligation was the week-work on the demesne of their lord. In definitions of the status of *hommes questales* when they occur there is much to remind us of the English villein, but in practice the exceptional conditions of Gascon rural economy came into play to differentiate the southern from the northern serf. Wine-growing, largely for export, favoured a different organization of rural labour and society from the cereal culture of the manor providing only for its own wants. On the most advanced estates, such as those under consideration, where the vine was cultivated on a thoroughly commercial basis and with an application of more scientific method than might perhaps have been expected, serfs were themselves exceptional. Rent-paying tenants and wage-paid labourers were more suited to the peculiar conditions. The rich soil and the slow growth of primogeniture resulted in extraordinary subdivision of the land and a large population. Nowhere else in western Europe during the middle ages was there to be found a rural economy so modern, so individualistic. Miss Lodge gives a full and lucid analysis of the conditions of life and labour in this comparatively very advanced society. The wine trade of Bordeaux with England has long been a subject of investigation, but we know of no such picture of the social organization and methods of cultivation which made it possible as is given here. Attention may particularly be drawn to the chapter on 'Vines and the Vintage'. A good deal of information about prices and wages is collected, and its significance is analysed so far as the great uncertainty of money values allows.

Mr. Ashby's monograph on the working of the poor law in the south Warwickshire village of Tysoe during the greater part of the eighteenth century and the early part of the nineteenth is equally interesting, despite the fact that it deals with a subject much more familiar. Based in the main upon the Overseers' Account Books and other parish records, and in a less degree upon documents preserved at Warwick, it serves to control as well as to illustrate the statements of more general works. Tysoe, for example, adopted the provisions of the Select Vestries Act of 1819, though Mr. Sidney Webb has stated his opinion that the small rural vestries practically ignored the Act. Mr. Ashby is inclined to believe that Tysoe did not stand alone in this respect among Warwickshire parishes. Tysoe is a good example of the old poor law administration, for it retained its old open fields down to 1796, and its comparatively large

number of owner-occupiers differentiated it from 'close' villages in single ownership like the adjoining Compton Wyniates, which excluded the pauper labourer from settlement within their bounds and so escaped the burden of his support. The poor-rates of Tysoe rose from £560 in 1790 to nearly £3,000 in 1800, when its population was about 890. The fact that this enormous rise for the most part followed the enclosure of its fields is not a mere coincidence, though other causes co-operated to raise rates. One of the first results of the enclosure awards was the sale of their allotments by the poorer owner-occupiers, and Mr. Ashby points out that the burden of fencing allotments fell much more heavily upon the less well-to-do than upon the richer owners. Mr. Ashby's detailed exposition of the ways, some of them remarkable, in which rates that at the beginning of the last century amounted yearly to more than £3 a head of the total population, were expended, deserves and will repay the closest study. Yet Tysoe was more fortunate than some of its neighbours. Its local handicrafts saved it from exporting its pauper children to the manufacturing districts as some midland villages did. Mr. Ashby is interested in the origins as well as in the diseases of social arrangements in the eighteenth century. He notes carefully the medieval survivals in the old poor law administration, and in his review of the history of the village calls attention to the fact that its three hamlets must all have been planted in the Anglo-Saxon period with clear reference to the proximity of streams and fertile land, presumably therefore in a time of peace. Two enclosure maps add to the usefulness of a valuable and brightly written study.

JAMES TAIT.

The Place-names of Suffolk. By W. W. SKEAT, Litt.D. (Cambridge Antiquarian Society, 1913).

THE late Dr. Skeat's little book was left by the author ready for the press, but he did not live to revise the proofs. In his preface he states that, wishing to add another to his series of monographs on the local nomenclature of English counties, he made choice of Suffolk because it seemed to promise a comparatively easy task, as Dr. Copinger, in his *Collections for the History of Suffolk*, had given an exhaustive list of early spellings for all the names in the county. Unfortunately it turned out that Dr. Copinger had made the strange mistake of not indicating the sources of the forms which he had so industriously collected. It was therefore necessary to search through the Suffolk Domesday and the early documents relating to the county contained in the most important published collections. As was natural under the circumstances, the documentary material furnished is not so complete as in Dr. Skeat's former books of the kind, and the forms given are more frequently unaccompanied by dates; but in other respects the new book is not at all inferior to those which preceded it.

The extreme rarity of names of Scandinavian origin in Suffolk is somewhat surprising, when we consider the early political history of East Anglia, and the abundance of Scandinavian words in the dialect as represented by the *Promptorium Parvulorum*. Of names ending in *-by* there are only

four. There are a few other names to which Dr. Skeat has assigned a Scandinavian derivation; but one or two of these must certainly have some other origin, and other instances are disputable. The evidence of the place-names points to the conclusion, which the phenomena of the modern dialect tend to confirm, that the settlements of Danes and Northmen in East Anglia were mainly confined to Norfolk, and probably to the north-western corner of that county.

Several of the river-names of Suffolk are regarded by Dr. Skeat as mere figments, produced, like the Ver, Penk, Kim, and Hiz of other counties, by erroneous inference from names of places. This seems to be true in some instances, including the Yox of Yoxford, and possibly the Alde of Aldeburgh; but in others the proposed explanation is not convincing. The Deben rises near Debenham; and, to our modern apprehension, it seems unlikely that a place should have been named from a stream near the *source* of which it was situated. There are, however, several clear examples of English villages having received their names in this way; our remote ancestors evidently felt an interest in tracing rivers up to their sources. Dr. Skeat says that the original form of Debenham must have been *æt þām dēopan hamme*, 'at the deep enclosure,' and concludes 'that it is wholly impossible even to imagine that Debenham took its name from the river Deben; on the contrary, the river was named from the place, because it there takes its rise'. Some plausibility is given to this explanation by the remark quoted from Kirby's *Suffolk Traveller* (1764) referring to Debenham: 'The country round this Town is very deep and dirty, but the Town itself is clean, standing on a rising Hill.' But no attempt is made to account for the assumed change of *p* into *b* in Debenham, or for the Domesday spellings *Depbeham*, *Depbenham* (beside *Depham*). The history of the name becomes perfectly clear on the supposition that the name of the river was *Dēopburne* (deep burn), and that this was shortened to *Dēopbe* and sometimes to *Dēop*. Another questionable assumption is that the river Gipping received its name from the village of Gippinge, near which it rises. There is no impossibility in this; 'the Gippinge brook' might easily have come to be called 'the river Gipping'. But as *-inge* or *-ing* is a well-authenticated formative ending of river-names, and the derivation of the name of a place from the name of a stream rising in its neighbourhood is not without example, it is not at all unlikely that in this instance the name of the river may be the original.

The name of Felixstowe has a curious history. It appears that the place now so called was earlier known as *Filstow*; another form, undated but presumably older, was *Fylthestowe*. But in the sixteenth century the priory of St. Felix at Walton, a mile away, had come to be called Felixstowe, perhaps in imitation of the name of the neighbouring village. Although in the *Valor Ecclesiasticus* *Filstow* (which had once possessed a monastery) and Felixstowe are mentioned as different places, the two names were subsequently confused, and Felixstowe was regarded as the more correct form of the village-name. The first element in *Fylthestowe* is identified by Dr. Skeat, perhaps rightly, with the Old English word *filefe*, which occurs in charters, in several compounds and once

separately. The conjecture that the word means 'a place of felled trees' is inadmissible on etymological grounds, and *filepe* is used to render *fœnum* in the Paris Psalter (Ps. xxxvi. 2). The word therefore meant 'hay' or 'a piece of land used for hay', and *Filepstow* (if that be the original form of the name) may be translated 'a place for storing hay'.

The book seems to be entirely free from misprints; Dr. Skeat's handwriting gave no excuse for a compositor to go astray. One or two trivial oversights on the author's part would probably have been corrected if he had seen them in print, e.g. under Exning *Gixaning* is given as a patronymic from *Gixa*. The work has a substantial value, and the Cambridge Antiquarian Society has done no injustice to the memory of the veteran scholar by publishing it as he left it.

HENRY BRADLEY

Short Notices

THAT the *Grundriss der Geschichtswissenschaft* now appearing under the general editorship of Professor Aloys Meister (Leipzig: Teubner) satisfies a real want, is proved by the rapidity with which its successive sections are passing into a second edition. That of Professor Bretholz's contribution on Latin palaeography (i. 1) has already been noticed (*ante*, xxvii. 591), and now we have a revision of the treatise on diplomatic by Professors Thommen and Schmitz-Kallenberg (i. 2, 1913). The work of the latter, within its limits, appears to us specially excellent. These are followed by sections on chronology from the master hand of Dr. H. Grotefend (i. 3, 1912); on seals, heraldry, and German numismatics by Drs. Ilgen, Gritzner, and Friedensburg (i. 4, 1912); and on method and the philosophy of history by Professor Meister and Dr. O. Braun (i. 6, 1913). Herr Forst-Battaglia's contribution on genealogy (i. 4a) appears for the first time (1913). Taken as a whole the treatises combine clearness and simplicity of outline with careful detailed work (in smaller type) and with adequate reference to authorities. They are emphatically good, sound books for students. J.

Professor Benedetto Croce's little book, *Intorno alla Storia della Storiografia* (della *Critica*, May 1913), grew out of a review of Fueter's *Geschichte der neueren Historiographie*. Its aim, he declares, is to form a sort of critical appendix to the existing books and essays on the subject. On the one hand he desires to establish the true method of history, on the other to summarize its periods and to provide historical illustrations of the ideas expounded in his theoretical writings. The philosophical ingredients in the present work, however, outweigh the historical, and the satisfaction which the student of history will derive from these pages is not very great. K.

Father F. Ehrle and Dr. P. Liebaert have conferred a great boon on palaeographical students by their publication of a really cheap collection of facsimiles, *Specimina Codicum Latinorum*, in Lietzmann's series (Bonn: Marcus & Weber, 1912). Sixty manuscripts are illustrated in fifty plates, with descriptions, notices of provenance, and abundant references to special literature on particular volumes. The plates are well produced, and a few inconsistencies in the descriptions and inaccuracies in the transcripts will no doubt be corrected in the second edition, which may be confidently expected. It may be added that nearly all the specimens are taken from books now preserved in the Vatican library. L.

Probably few people have ever heard of a battle which was fought in northern Greece, in 1882, on account of manuscripts. In that year, after the annexation of Thessaly, two savants, Kalogeras and Phintikles, were sent to collect all the manuscripts they could find in the Thessalian monasteries and convey them to Athens. No difficulty was anticipated. In the seventeenth century Athanasius, a Cypriote, had bought manuscripts in the Meteora monasteries by weight. In the eighteenth and early nineteenth the monks had sold books freely enough to visitors from western Europe. But now they offered a firm resistance to the removal of their treasures to the capital of their country. Kalogeras and Phintikles had recourse to the authorities at Larissa and Trikkala, who sent a troop of soldiers to help them. They took by force from the intimidated monks all the books that were not hidden and packed them in cases. All the country people around were highly indignant at what they considered a sacrilege. They took up arms, and, accompanied by their wives and children, fell upon the military convoy. The battle was a victory for the peasants, who rescued most of the cases and restored them to the monks. Only nine boxes with about 350 manuscripts were taken to Athens and lodged in the National Library. The government wisely decided to submit to the will of Thessaly. Mr. M. A. Beès, one of the founders of the Greek Society for Byzantine Studies, visited the Meteora monasteries in 1908 and 1909, to examine the manuscripts which are still there. In his *Ἐκθεσις παλαιογραφικῶν καὶ τεχνικῶν ἐρευνῶν ἐν ταῖς μοναῖς τῶν Μετεώρων κατὰ τὰ ἔτη 1908 καὶ 1909* (Athens : παρὰ τῇ Βυζαντιολογικῇ Ἑταιρείᾳ, 1910) he gives a graphic account of his detective investigations, which resulted in considerable finds. The books which were shown to him were only about a fifth of all those which he discovered. He sought diligently under roofs and floors, and unearthed ancient hiding-places of which the existence was unknown to the monks. In all the monasteries he found 1,124 Greek manuscripts, and of these more than half were in Meteoron. The earliest, containing part of Chrysostom's commentary on St. Matthew, is dated to 865, and is thus one of the oldest dated Byzantine manuscripts. There are seven of the tenth and twenty-three of the eleventh century. Mr. Beès constructed a complete catalogue and made copious extracts. Perhaps the most valuable documents are the charters and a considerable body of new material for the history of the monasteries. It may be added that there are also some Turkish and Rumanian manuscripts. A catalogue has seldom been compiled under more difficult conditions, and the labours of Mr. Beès deserve warm recognition.

J. B. B.

Dr. E. Nachmanson's *Historische Attische Inschriften* (Bonn : Marcus & Weber, 1913) is a small collection of 87 Attic inscriptions, edited with a brief introduction and notes. The contents range from the well-known Salaminian decree of the sixth century to a decree in honour of Arcadius and Honorius, and include 21 inscriptions of the fifth century B.C., 21 of the fourth, 13 of the third, 10 of the second and first, and 19 of the Imperial period. There is a very short introduction of three and a half pages, of which two deal with bibliography. The notes, closely printed and vexatious to the eye, are little more than a fairly complete list of references to

the larger collections, to Meisterhaus, to the *Prosopographia Attica*, and to articles in learned periodicals. They make no attempt to give each inscription its historical context, and the omission is not supplied by such brief headings as 'Der Redner Lykurgos 307/6' and 'Der Dichter Philippides 287/6'. For the history of these personages we are simply referred to the *Prosopographia*. These notes, which will only be intelligible to an advanced student, seem scarcely consonant with the small size and price of the book, which suggest that it is meant for beginners. Possibly the text is meant for the use of a class, the notes for the lecturer; he will certainly find them useful.

H. J. C.

Signor Tommaso de Bacci Venuti's book, *Dalla grande Persecuzione alla Vittoria del Cristianesimo* (Milan: Hoepli, 1913), belongs to the historical series edited by Professor Pasquale Villari, and like the other volumes of the series is intended to present, in moderate compass and readable style, the chief characteristics of the period with which it deals, the landmarks in the march of events, and the contribution of leading personalities to the final result. It is based on careful study of the authorities, helped by the most recent expositions of French, German, and English scholars. Students of history might wish for a fuller investigation of certain points, and may regard as superfluous the apology for treating ecclesiastical affairs in the same way as other historical matter, and the author's frequent insistence on the need of ascertaining the views of contemporaries, even if they be but imperfectly qualified historians. But the book is likely to attract the general reader and to give him some insight into the author's methods of study. The progress of events is given so as to emphasize their dramatic character, and the interest increases as the reader goes on, from the well-trodden ground of the later cults and philosophies, of the political projects of Diocletian and their failure, to the narrative of the persecution, the edicts of toleration, the Council of Nicaea, and the subsequent complications. One chapter of considerable interest is devoted to the relations of rival religions in Persia and India. In an appendix, there is a discussion (chiefly in reply to Seeck) of the genuineness and significance of the Edict of Milan.

A. G.

In *Kaiser Constantin und die christliche Kirche* (Leipzig: Teubner, 1913), by Dr. E. Schwartz, we have a succinct and impartial description of Diocletian's reorganization of the empire, the rise of Constantine to the position of sole emperor and the innovations introduced by him, the development of the church and its relations with the imperial power, and the Arian controversy down to Constantine's death. Though the book contains only 171 pages, it is much more than a mere popular sketch of the subject. As no references are given, it is useless for verification of facts; but it would be hard to find elsewhere so clear an explanation of the prime fact that Constantine, by substituting favour for repression, succeeded where his predecessors had failed, and reduced the church from independence to subservience: and the interesting suggestion is made that this secularization of the church caused the more earnest spirits to withdraw from the world and thereby led to the institution of

monasticism. The author's weak point seems to be relationships. On p. 14 he makes Constantius marry the daughter of Maximian, where he means 'step-daughter', and on p. 70 he calls Constantine great-uncle of Julian.
E. W. B.

Politics and Religion in the Days of Augustine, by Dr. Edward Frank Humphrey (privately printed), is an interesting monograph from the point of view which sees the significance of the fifth century not so much in the coming of the barbarians, as in the final victory of Catholic Christianity. The writer develops with skill the state of general and ecclesiastical politics. He traces the changes of St. Augustine's thought, as he passed from a belief in tolerance to one in persecution. He shows the great influence which St. Augustine had in moulding the polity of medieval Christendom—an influence as great in politics as it was in theology. He might have made more use of the Decretum. For Gratian has simply 'gutted' (there is no other word) the anti-Donatist writings of St. Augustine to get citations in favour of the employment of coercion towards heretics.

J. N. F.

The Evolution of the Monastic Ideal, from the Earliest Times down to the Coming of the Friars, by Dr. H. B. Workman (London: Kelly, 1913), though popular in style, is evidently based on wide and careful reading, and supplemented by notes and appendices which may guide the student in his researches into original sources and modern controversies. The author does not attempt to write a general history of monasticism, but to enable the general reader to comprehend with what objects men and women (though the part relating to women is less worked out) first sought the monastic life; the means by which these objects were aimed at and partially attained; the growth of hindrances and tendencies to deterioration; the bringing in of new principles, and the varieties both in practice and in theory produced by climatic, racial, and historical differences. If the plan had been carried on systematically, modern orders might have been included, but the field surveyed is sufficiently large, comprehending the earliest eremitism, the growth of coenobitism, the peculiar character of Celtic monasticism, the work of St. Benedict, and the rise of the Dominicans and Franciscans. On some points, a little further discussion would have been desirable, as e.g. on monasticism in relation to education. The least satisfactory part is that which deals with Eastern monasticism, since the author, though acquainted with Eastern 'types', tends to perpetuate the old delusion that while the monks of the West worked, those of the East had no regard for the dignity of labour or the claims of organized and intellectual life. But as an introduction to the whole subject, the work is admirable. It may be noted that in an appendix on the 'Sources of Early Egyptian monasticism' there is a discussion on the authorship of the Life of Antony, with the conclusion that: 'Athanasius was responsible at any rate for editing it.'

A. G.

In *The Treaty of Misr in Tabari* (Oxford: Clarendon Press, 1913) Dr. A. J. Butler has published a kind of appendix to his *Arab Conquest*

of *Egypt*, in which he answers criticisms upon that work, dealing particularly with the treaty which, according to Al Tabari, was made at the capitulation of Misr or Babylon. Upon the authenticity of this document Dr. Butler is unable to arrive at any decisive conclusion, and, while admitting that it is not likely to be genuine as it stands, believes that it is founded upon an authentic treaty, but has been placed in a wrong context. He strongly maintains that it was made with the Roman military officers, not with the Copts; but he does not seriously attempt to grapple with the fact that in the text the treaty is granted to 'the people of Misr' and the Romans are distinguished from them. Of course, if the fortress is intended, only the Roman officers could have made a treaty; but he admits (p. 53) that the balance of evidence is in favour of supposing the town to be intended, and in this case the treaty would in accordance with the usual custom be made with the citizens, nor is it likely that a retreating Roman garrison would have cared to make stipulations on behalf of the townspeople. The last thirty pages are devoted to what must be described as a successful defence of the identity of Al Mukaukis and the patriarch Cyrus, maintained by the author in *The Arab Conquest of Egypt*.
E. W. B.

In his *Histoire de la Politique extérieure de la France*, i. *Les Origines et la Période anglaise jusqu'en 1483* (Paris: Picard, s.a.), M. Pierre Corbin aspires to write in three volumes a great synthesis of French foreign policy from the days of the Gauls to those of M. Hanotaux, to whom the book is dedicated. So comprehensive a work cannot of course be all based on original study, and M. Corbin does not, save exceptionally, refer to other authorities than the best modern works on his subject. But despite occasional carelessness, and a singularly bad eye in proof-reading, he seldom goes far wrong in his facts. Moreover, he writes with vigour, vividness, and force, so that his book is pleasant reading, except when he from time to time gives up literary expression and writes in the style of a note-book. But M. Corbin's whole view of medieval history is such that few medievalists can be expected to accept. For him France has been for all time a nation, with definite boundaries, definite national characteristics, and a continuous national policy. He loves big generalizations and sweeping formulae, and is hardly enough at home in his period to know which generalizations are plausible and which fail to carry conviction. As the unlucky result of this, his 'atmosphere' is all wrong, his perspective awry, his relative values confused. That being so, there is no need to dwell upon the careless haste that thinks Harold son of Godwin was a Dane, and that the works generally assigned to M. Bémont were composed by a mysterious author named 'Bernart', and that attributes to the writer of the present notice a treatise on the relations between England and Germany of which he is quite unconscious. M. Corbin has some real gifts for the vivid presentation of history, and some of his generalizations show insight and intelligence. But he must take more pains, learn a good deal more history, and, above all, acquire a more historical point of view before he can aspire to present with real success a great aspect of national life.

T. F. T.

M. Edward Boguslawski, in his *Dowody autochtonizmu słowian na przestrzeni zajmowanej przez nich w wiekach średnich* (Warszawa : Nakładem Towarzystwa Naukowego Warszawskiego, 1912), discusses the question whether the Slavs dwelling in the regions they inhabited in the middle ages were indigenous or not, in opposition to M. Lubor Niederle's argument in his *Slovanské starožitnosti* and *Slavische Altertümer* (Prague, 1902-6) that they were immigrants from the country between the Vistula, the upper Dniepr, and the Carpathians. M. Boguslawski has made a contribution rather to philology than history, and has not proved his case. Those who are interested in the subject will find on pp. 139-72 a German summary of the author's arguments. The work is provided with a bibliography and indexes. O. W.

Dr. Paul Haensel's study, *Die mittelalterlichen Erbschaftssteuern in England*, reprinted from the *Deutsche Zeitschrift für Kirchenrecht*, xix, xx (Tübingen : Mohr, 1909-11), deserves particular attention. It is an abbreviation of part of the author's large work, published in Russian, upon the history of death duties in England (Moscow, 1907). In the first part of the essay Dr. Haensel summarizes the well-known facts in the history of the relief and the heriot. There is nothing new in this portion of the discussion, except perhaps the observation that Bracton regards the relief as more akin to a death-duty than its feudal history warranted (xix. 190). He emphasizes the fact that, owing to the fall in the price of money and the growth in importance of the untaxed chattels, the relief in Edward I's day was by no means the burden which the heriot had been before the Conquest. In other words, payments on the passing of property formed but one among many other taxes. From this introduction Dr. Haensel turns to his main theme, ecclesiastical taxes, especially the mortuary dues. The history of the *mortuarium* is difficult to trace, owing to the fact that there are hardly any references to such a payment between the mention of *sepultura* in Domesday Book and the wills and episcopal constitutions of the thirteenth century. The so-called constitutions of 1206, ascribed by Mansi and others to Stephen Langton, are either forged or are related to Simon Langham's constitutions of 1367 (xx. 19). In spite of this gap in the evidence, Dr. Haensel makes out a very good case for the evolution of the *mortuarium* from the Anglo-Saxon soul-scot. It underwent several interesting changes. By the time of the Conquest, the soul-scot, which had been a payment to the church for the good of the soul, and was often paid by the members of the guild or burial-club to which the deceased belonged, had become a burial-fee (*sepultura*). Burial-fees as such, however, were afterwards condemned by the church as simoniacal. The payment was so general and was regarded as so proper that a new interpretation of it was found before the end of the thirteenth century : it was a payment in lieu of unpaid tithe. At the same time, the nature and universality of the tax were established under the influence of feudal ideas. The church had the first claim to its own heriot. The author notes that in 1408 Sir Robert Legh left his black palfrey, 'coram corpore meo die sepulture mee transitorium, nomine herietis' (xx. 17). This history explains the various synonyms used for the *mortuarium* in the middle ages, cors-

present, principal, legacy for forgotten tithes. In the concluding part of his very interesting essay Dr. Haensel discusses the effect of Henry VIII's legislation upon the mortuary dues, and traces, from the fourteenth to the nineteenth centuries, the long opposition to them and to the ecclesiastical privilege of probate. It is natural that, covering a large field, he should have made a few slips, such as the attribution of the *Leges Henrici* to Henry I (xix. 102), and the reference to an archbishop of Chester (xx. 203). His argument against Dr. Brunner's hypothesis, that the soul-scot and similar dues on the Continent had a heathen origin in the *Todtenteil*, is not very convincing. The Germanic practice has a curious parallel in the Breton custom, found in Christian times, of the *tierçage* or *neufme* (xx. 33 note), a custom which was repeated in the archdeaconry of Richmond, the Yorkshire honour of the counts of Brittany (xx. 203). F. M. P.

Mr. A. G. Little's edition of part of the *Opus Tertium* of Roger Bacon, which forms the fourth volume issued by the British Society of Franciscan Studies (1912), is important as containing a fragment never before printed. When Professor Duhem published in 1909 the fragment discovered in the Bibliothèque Nationale, he observed that there was still a gap between the new section and the portion of the *Opus Tertium* edited by Brewer. This gap is now filled by the fragment printed on pp. 1-19 of Mr. Little's volume. It seems that Dr. M. R. James drew Mr. Little's attention to a manuscript (no. 39) at Winchester College, the fifth section of which is the new fragment. The same fragment, with an additional paragraph, has been found in the Bodleian library (Tanner MS. 116), and Mr. Little mentions one or two other manuscripts of less importance. Since the main object of the *Opus Tertium* was to give a summary of the *Opus Maius*, it is chiefly by the structure of the larger work that we have to determine whether the new fragment should follow immediately upon the portion edited by Brewer. Its subject is the utility of mathematics *ad rem publicam fidelium dirigendam*, which thus far follows the indications of the *Opus Maius*, but the correspondence in the order of subjects treated is not exact, and there is another complication in the appearance of a treatise on music in the *Opus Tertium*. There is, however, some reason to think that the treatise on music was a later addition, and Bacon himself explains (p. 18 of the new fragment) that in some matters he followed the *Opus Minus* rather than the *Opus Maius*. All these problems about the structure of Bacon's works are extremely complex, nor can it be otherwise with a man who was constantly transferring whole sections of one work to another. Mr. Little argues out the various questions with perhaps as much lucidity as can be expected, and concludes that we have now nearly the whole of the *Opus Tertium* as Bacon wrote it. The probable exceptions are mentioned on p. xxx of the Introduction. Although it is satisfactory to have recovered a missing fragment, one cannot pretend that it adds much to our knowledge of Bacon. There is a little astrology and a little geography, with the usual Baconian atmosphere, in which science and superstition are happily or unhappily compounded. The rest of the treatise printed by Mr. Little corresponds, with certain exceptions, with the fragment edited by Professor Duhem.

A useful summary in English is prefixed to the text and all the work is carefully done. Mr. Little will no doubt have noticed *faciant* on p. 2, which (as following *influent*) would appear to be a misprint.

W. H. V. R.

The greater part of Dr. Fritz Kern's book on *Die Anfänge der französischen Ausdehnungspolitik bis zum Jahr 1308* (Tübingen: Mohr, 1911) is a study of the relations between King Philip IV of France and the western fiefs of the empire. English students have long been familiar with the chief points of Philip's policy through the writings of Professor Tout on Edward I, and of M. Langlois upon French history. Dr. Kern's extensive learning comprehends the part played by Edward I, as well as very much more. His book is based to some extent upon the volume of *Acta Imperii Angliae et Franciae*, which was recently noticed in this Review (*ante*, xxvii. 187). It is indeed a valuable survey of a very tangled period of diplomatic history, and, by bringing out details which are not discussed in more general works, it corrects and adjusts accepted ideas. The formation of conflicting parties in Bar and in the Free County of Burgundy, the first attempts at the *Rheinbund*, that experiment so dear to seventeenth-century statesmen, and the relations between the French government and Lyons are only a few of the many important and interesting matters upon which Dr. Kern has thrown light. As the bibliography shows, a great deal of work has been done; but much which concerns the history of the smaller fiefs and bishoprics would have remained unnoticed if Dr. Kern had not used it to show how the French frontier moved eastward in the last quarter of the thirteenth century. This is illustrated by an excellent sketch-map.¹ The real object of the book, however, is wider than the analysis of the diplomatic activity of Philip IV and his ministers. The author is interested in the Franco-German question as a leading case in the history of the interplay of legal and political ideas with racial and national ambition; so he ranges himself with Leroux, Mignet, Reuss, Vast, and especially Sorel, to whose influence he gives due acknowledgement. The fitful national enthusiasm of historical scholars during the Renaissance, the legal perplexities which were suggested by the treaty of Münster, even the eighteenth-century idea that a change of allegiance could purge a province of its imperial taint, and the Bonapartist belief in the plébiscite have their medieval analogies. The most interesting parts of Dr. Kern's introductory chapters are those in which he shows how the feudal theory of the 'enclave', and the contradictory theory of natural frontiers—in this case, of the four rivers Scheldt, Maas, Saône, and Rhône—were used by the French publicists; and how the historical claim that ancient Gaul, as represented, for instance, by the archiepiscopal provinces, should dictate the limits of the French monarchy, was accompanied by the claim of the French kings to represent the Carolingian tradition.

F. M. P.

M. F. de Gélis tells us that his *Histoire critique des Jeux Floraux depuis leur Origine jusqu'à leur Transformation en Académie, 1323-1694* (Biblio-

¹ Professor R. Parisot, of Nancy, has made a few corrections of the geographical part of the work in the *Bibliographie Lorraine*, 1912, pp. 40-3.

thèque Méridionale, 2^e série, tome xv. Toulouse : Privat, 1912), is a work of vulgarization. But it is well documented, clearly written, critically sound, and authenticated by scores of pages of *pièces justificatives*. If its contents for the most part concern literary history almost exclusively, the origin in 1323 of the famous meetings of Provençal poets at Toulouse and their organization on a permanent basis in the course of the next generation have some real historical importance, while the curious legend of Clémence Isaure, the mythical foundress of the games, is an interesting and amusing chapter of credulity and forgery. M. de Gélis is an enthusiast for his subject and has mastered the great literature, trivial for the most part, which has produced thousands of pages on the *jeux floraux* while leaving their history still to be written. T. F. T.

In *English Life and Manners in the Middle Ages* (London : Routledge, 1913) Miss A. Abram has with great pains brought together much interesting and useful information on various aspects of social life and habits. Though her treatment of her subject is not distinguished by any profound philosophy, the volume is no mere compilation from easily accessible or printed sources. Good use has been made of material in the Record Office, such as *Early Chancery Proceedings* and the valuable collection of *Stonor Letters*, and the statements in her text are supported by the copious citation of authorities in her notes. The common tendency to attach undue weight to the evidence of abuses and disorder is perhaps too much in evidence. Some modern critics have shown themselves too ready to accept unfavourable reports as of general application. But it must be remembered that where there was no cause for complaint there would be no record of what was done well. The very fact that we do find an attempt to deal with the evil results of unsanitary conditions, or lawless conduct, is proof that those in authority at the time were not altogether blind to the duties of good government. Miss Abram's trick of summing up her conclusions with an oracular judgement in the first person plural is somewhat irritating. This is, however, but a small defect in a volume which shows abundant care in the collection and arrangement of material. The book is one which, within its limits, will be useful and interesting to various classes of readers. There are a number of apt illustrations and a sufficiently good index. C. L. K.

MM. G. Besnier and R. Génestal have edited, in the excellent series, the 'Bibliothèque d'Histoire du Droit normand,' an interesting little treatise on the procedure of a seignorial court in the fourteenth century. These *Instrucions et enseignemens* (Caen : Jouan, 1912) are contained in a transcript of the early fifteenth century, and form part of the manuscript now numbered 881 in the library at Rouen. They were compiled between 1386 and 1390 by a judicial officer, probably a judge who administered *basse justice* in the court of the abbey of Saint-Ouen. They may be compared with the precedents of pleading contained in the volume edited for the Selden Society under the title of the *Court Baron*. Among the points illustrated are the disappearance of the jury *en matière mobilière*, the majority-vote of the jury in real actions, and the *cri de haro* in cases of possession. The most important sections of the tract deal with the actions

which are expounded so fully by M. Legras in the volume reviewed above (p. 765). The *justiciatio per feodum*, for example, is not discussed in larger and more general works, but is naturally dealt with in a feudal law-book. In section 50 we get a reference to the sale of the *nim* seized by the creditor; M. Legras was not able to find a case of this earlier than 1392, two or three years after the compilation of these instructions.

F. M. P.

M. Joseph Fabre's *Procès de Réhabilitation de Jeanne d'Arc* (Paris: Hachette, 1913) is a new edition of the translation published in 1896, with some slight additional pieces in the appendix entitled, 'Jeanne et le peuple de France,' which, with the exception of a brief account of Catherine de la Rochelle, relate to the modern cult of the Maid, and are of no historical importance.

M.

The *Star Chamber Proceedings during the Reigns of Henry VII and Henry VIII* relating to Somerset and edited by Miss Gladys Bradford for the Somerset Record Society (vol. xxvii, 1911) make an interesting volume. The title is not strictly correct, as the proceedings here printed extend into the reigns of Edward VI and Mary; and some of them have already been printed in the volumes of Star Chamber cases edited by Mr. Leadam for the Selden Society, but the bulk of the material is new, and it has been competently transcribed and edited. It was not easy to add much to Mr. Leadam's learned and elaborate introductions; and Miss Bradford has naturally in the main accepted his conclusions. On p. 2, where she speaks of 'sixteenth-century politicians, famous for their unbridled eloquence', surpassing themselves in denunciation of the Star Chamber, she surely means 'seventeenth-century politicians'; and she uses the 'king's council' as being synonymous with the 'privy council'. Her suggestion (p. 16) that a committee stayed permanently in London to constitute the Star Chamber, while other members only attended when the king and court were not in the country, is hardly adequate in view of the fact that the council's 'Star Chamber days' were invariably in term time, and the king and court were rarely absent then, though they were so more frequently in Henry VII's reign than later in the Tudor period. The 'elasticity' in the composition of the Star Chamber was due to the fact that it was a session of the council (not necessarily the privy council), and the council was never bound by any fixed rules. The statement (p. 33) that 'though a court of law, the Star Chamber was the offspring of the royal prerogative' seems to imply that other courts of law existing in 1487 had had some other origin, a view that can hardly be maintained, at any rate as regards the central administration of justice. But these details do little to impair the substantial value of the book, which, besides illustrating the activity of a famous court, provides some interesting pictures of life and manners, and adds materially to our knowledge of Somerset local history.

A. F. P.

Dr. A. Walther's treatise on *Die Ursprünge der deutschen Behördenorganisation im Zeitalter Maximilians I* (Stuttgart: Kohlhammer, 1912) is in the first place intended to answer the recent attempt made by Dr. Rachfahl,

in the *Historische Zeitschrift*, to defend the current view of a 'reception' of French and Burgundian institutions into the administration of the German territories. Dr. Rachfahl's contention was indeed as weak in matter as it was violent in form, laying chief stress on the monarchical initiative of that unsteadiest of rulers, Maximilian I; and so Dr. Walther easily succeeds in adding to his first criticism, based upon the essential peculiarities of the 'Burgundische Zentralbehörden', new positive arguments: a long native growth of administrative reform in the Austrian territories, mainly in the Tyrol, and the old constitutional forces of customary law and corporative government (by the 'Stände'), compared with which the sovereign's autocratic arrangements with individual capitalist *fermiers* are technically rather retrograde. On the whole, Dr. Walther's conclusions are again excellent wherever they seek to establish the idea of a general European development of administrative organization, chiefly out of real wants, and merely accompanied by a 'diffusion' of forms. As a subordinate question he himself has to allow some further possibilities of the disputed 'reception' (pp. 87 f.), and on the other hand neither his useful distinction between governmental and law courts (pp. 40 ff.) nor the rather vague generalizations on the spirit of times and countries (pp. 68 ff.) are sufficient to solve all the difficulties of a period teeming with transitions and changes. Certainly the great Imperial reforms were the direct model of the territorial ones, but then were they themselves wholly indigenous? Perhaps the last word on the actual application of such principles as division of functions and independent control, at least in Germany, cannot after all be spoken without more of 'Lokalforschung' (p. 25). C. B.

The first volume of the *Geschichte der Aufteilung und Kolonisation Afrikas seit dem Zeitalter der Entdeckungen*, von Paul Darmstaedter (Berlin: Göschen, 1913), traces the history of Africa from the age of the Portuguese discoverers down to 1870. The work does credit to its author's learning and industry, and gives an immense amount of information without being unduly long. In the seventeenth and eighteenth centuries Africa meant little more to the European than a slave market. Its ports and islands were mere stepping-stones on the way to India. In the first seventy years of the nineteenth century, England and France realized its larger possibilities, and, as Mr. Darmstaedter happily puts it, colonization became both extensive and intensive. In 1870, however, the mineral wealth of South Africa was still almost unknown; tropical Africa had been penetrated by explorers, but was still unopened as a market; the land-hunger of the great European states had not been aroused; the Suez Canal had only just been constructed. It is a curious commentary on the shifting winds of international policy that the second volume, when it appears, while covering a period of much shorter duration, will deal with events of so much more decisive importance. The book before us contains useful bibliographies and half a dozen sketch-maps, which are not quite worthy of the letterpress. G. B. H.

Professor A. F. Pollard's book on *Henry VIII*, which first appeared in a splendid form in Messrs. Goupil's series in 1902, and was re-edited

in 1905 without the illustrations but with full references to authorities (which were not given in the original work), has now been issued in a cheaper edition. N.

In her book on *The Economic Beginnings of the Far West* (New York : Macmillan, 1912), Miss Katharine Coman has tackled a somewhat unwieldy subject—the exploration and development of the country west of the Mississippi from the days of Cortès to those of the Union Pacific Railway. Yet she has overcome with very fair success the difficulties of arrangement. The two volumes are divided into five parts. The first shows the misgovernment and neglect of the territory by Spain ; the second deals with the cosmopolitan period of exploration and fur-trading ; the third and fourth record the great expansion of the American Republic in the ‘Forties’ of the last century ; and the narrative concludes with the settlement of the economic basis for further development, the abolition of slavery, the passing of the Homestead Act of 1862, and the completion of a trans-continental railway in 1869—‘Free Land and Free Labour.’ The author seldom pauses to moralize the tale ; but the records of heroic explorations and those of the more prosaic problems of colonization alike provide parallels with British imperial history. The necessity for interfering with the Mexican Republic may find a parallel in South Africa ; the arrogance and selfishness of the American pioneers in California recall ‘the contemptible sutlers and traders’ who thought that Canada had been conquered for them in 1760 ; and the effects of the Californian gold discoveries were in many respects analogous to those which followed in Australia a few years later. The writer has been careful to quote very extensively from contemporary authorities as to economic conditions, and a lengthy bibliography is appended. The book, while remarkably free from prejudice or bias, shows that the younger section of the Anglo-Saxon race had already, by the time of the civil war, a very creditable place in the history of colonization. J. M.

Mr. Joseph Clayton’s *Robert Kett and the Norfolk Rising* (Secker) is a popular narrative of the insurrection of 1549 written rather from the point of view of modern politics than of historical scholarship ; and while Mr. Clayton has used good printed authorities and some manuscript material, his purpose has been simply to tell a story without any discussion of the economic problems involved. The uninstructed reader will rise from the perusal of this book still labouring under the idea that ‘commons’ in the sixteenth century were like ‘commons’ in the twentieth, and that ‘enclosures’ were a simple matter, and without any perception of the economic causes that produced them, or of the legal rights and wrongs of the various parties in the controversy. As a simple narrative Mr. Clayton’s volume has its merits ; as a contribution to historical science it cannot compare, for instance, with Mr. Tawney’s work on the *Agrarian Problem of the Sixteenth Century*. A. F. P.

The fourth edition of Dr. G. W. Prothero’s *Select Statutes and other Constitutional Documents illustrative of the Reigns of Elizabeth and James I*

(Oxford : Clarendon Press, 1913) is a reissue of the third edition published in 1906, with some supplementary pages giving the text of the high commission of 1583. This was recently discovered by Mr. Albert Peel in Dr. Williams's library and is now printed for the first time. O.

The second volume of Professor P. J. Blok's revised edition of his *Geschiedenis eener Hollandsche Stad* ('s Gravenhage : Nijhoff, 1912), which carries the history of Leyden down to the opening of the war of independence, follows closely the methods adopted in the first volume and indicated in this Review for January 1912. Chronological sequence is entirely subordinated to treatment under subject headings which are almost identical with those of the previous volume. The story of the Leyden cloth industry is continued with the help of Dr. Posthumus's recent exhaustive researches through the period of its greatest prosperity in the middle of the fifteenth century to its rapid decline in the middle of the sixteenth. A very interesting account of the development of the charitable institutions of the medieval city during the Reformation period owes much to Dr. Ligtenberg. Leyden's share in the literature and art of the Renaissance and in the religious and educational movements of the time are similarly reconsidered in the light of much recent scholarship. But the interest of the book naturally centres in the constitutional history of Leyden as dealt with in chapters ii-vii. The first three of these, which treat of the privileges of the Dutch cities, of their relation to the Burgundian government, and of the conflicts of the 'Hook' and 'Codfish' parties, are concerned quite as much with the general municipal history of Holland as with the particular history of Leyden, but to the foreign student at least that will not make them less useful, since Professor Blok handles the larger subject with full knowledge and great lucidity. It is in the other three chapters, however, that the student of English municipal history will find most stimulus and suggestion. They contain studies of the development of the close corporation in Leyden, of the problems of municipal finance and taxation (the use of the excise and of annuities is specially interesting), and of the gradual systematization of municipal law and administration under the influence of the professional jurist and of Roman law. The book as a whole would certainly have gained greatly if these various aspects could have been brought into closer connexion. More especially with regard to the critical period of the last quarter of the fifteenth century one cannot help feeling that the constitutional struggle over the Groot-Privilegie, the industrial class-conflicts, and the intervention of the 'Hook' and 'Codfish' parties of the nobles in the gild politics of the towns are closely interrelated developments which ought to throw more light on each other. G. U.

Mr. Timothy Healy, M.P., in his *Stolen Waters, a Page in the Conquest of Ulster* (London : Longmans, 1913), reviews the recent decision of the House of Lords whereby Lough Neagh, as he puts it, 'was transferred into private hands.' He carries back his inquiry into the region of history for upwards of three centuries, and shows great ingenuity in piecing together the fragmentary evidence so as to present an intelligible, but not

always convincing, story of the intricate dealings with the fisheries of Lough Neagh and the river Bann. As he tells it, the story is one long tissue of fraud, chicanery, and deceit. In reading it, however, one is often led to suspect that the zeal of the advocate has outrun the discretion of the historian, and in some instances, at any rate, examination shows this to be the case. To take an example: it is part of Mr. Healy's case that no act or entry exists showing the fishery of Lough Neagh to be Crown property prior to the Hamilton grant of 1605 (p. 64). But Queen Elizabeth granted it to Essex in 1573, though Mr. Healy obscures the fact. He fixes on what appears to be a mere clerical error on somebody's part in the *Calendar of Carew Papers*, p. 440, whereby Essex is made to ask for the fishery of 'Lough Leighe'. This Mr. Healy, without giving any authority, interprets as Belfast Lough. But in the parallel passage of the Breviate of Essex's Patent in the same *Calendar* (p. 442) the name appears as 'Lough Eaghe', the normal form at the time for Lough Neagh, and rightly so interpreted in the *Calendar of State Papers* under date 26 May 1573. Nevertheless Mr. Healy refers to the Breviate as though it too contained the name 'Lough Leigh' (p. 26), meaning thereby Belfast Lough, though the latter water is actually referred to in the same passage under its then usual name of Knockfergus Bay.

G. H. O.

The last instalment of Mr. W. Foster's invaluable calendar of documents in the India Office, *The English Factories in India, 1642-5* (Oxford: Clarendon Press, 1913) call for little comment. The eruption of the great civil war was not likely to encourage the business of overseas trade; and the wonder is that the East India Company was not more seriously crippled. We have the old complaints of Dutch arrogance and of Dutch efficiency; and the growth of Madras as an English stronghold is duly chronicled. It should be noted that Mr. Foster is of opinion that, 'had not the English established themselves in a strong position before the Golconda troops overran the neighbouring country, the history of Fort St. George would probably never have been written.' The most exciting episode in the volume is connected with the domestic troubles. The drunken captain of one of the outgoing ships managed to give the factors who were with him the slip at one of the Comoro Islands, and, persuading his crew to declare for King Charles, sailed home to Bristol to join the royalist forces. A kind of sottish ambition, together with fear of the consequences should his conduct on the voyage receive its just reward, seems to have prompted him. 'Sir John Muckwell', as he conceived himself, should not be taken as a typical representative of the Company's servants. Still, the writers, so far as they reveal themselves, do not impress us very favourably; whilst the Company's letter-book lost in interest and importance from the retirement of Methwold.

H. E. E.

The Fall of the Dutch Republic, by Mr. Hendrik Willem van Loon (London: Constable, 1913), aims at giving 'a short story of the main events which brought about the ruin of the old Dutch Republic'. It makes no pretence of giving a finished picture, and lays no claim to original research. On the contrary, the author has aimed at throwing

a vivid light on the main features of his picture, leaving the rest in shadow. On these lines the book is thoroughly well done. It contains an excellent general picture of the country in its political and economic aspects, followed by a clear narrative of the tangled events which led to the final overthrow of the Republic. The whole forms most excellent reading. Nor is it based, as popular histories often are, on a slender knowledge of authorities, for the author in his notes is careful to refer 'the more inquisitive Bretheren' to his sources. It is easy in a book covering so much ground to find opinions which may be disputed, but the author has evidently tried to hold the balance evenly, and distributes his censures, which are severe, with great impartiality on all parties. The English is on the whole good and clear, though very colloquial, but it is not free from mistakes. The 'Sont' and 'concept treaty' in English should be the 'Sound' and 'draft treaty', while the statement that in 1672 the Republic had to face war with France, 'not in the least through the perfidy of King Charles II,' states the exact contrary of what is apparently intended. There are also some errors of fact, e.g. that William II married the daughter of James II (p. 33), and that England towards the end of the sixteenth century (? seventeenth) had at last come to peace (p. 53). But all these things could easily be corrected in a second edition, and do not seriously interfere with what is a very bright and interesting history. H. L.

The idea of a retreat for French soldiers dates from early times. In the medieval period *estropiés* were received into the monasteries at the request of the king, in accordance with his rights of patronage, and there supported not always with the best of grace. The accommodation available in this way being unsatisfactory as well as insufficient, attempts were made to form permanent houses of retreat both by Henry IV and Louis XIII, neither of which came to anything. The wars of the Fronde and the campaigns of Louis XIV greatly augmented the number of veterans and disabled soldiers, many of whom preferred a life of brigandage to monastic seclusion. In 1670 the institution of the *Invalides* was founded, where, it was declared, 'pour mettre fin à tous les abus, seraient entretenus les soldats blessés et estropiés à la guerre ou vieillis dans le service.' Popular interest in the *Invalides*, one of the few foundations of the monarchy which was preserved by the Revolution, dates from the First Empire, connected as it was with the most vivid memories of the Napoleonic wars: 'le transfert des cendres de l'Empereur sous le dôme, le musée de reliques impériales qu'on a formé à l'Hôtel, ont fait passer au second plan les grands souvenirs de la monarchie.' M. Robert Burnand's *L'Hôtel Royal des Invalides, 1670-1789* (Paris: Berger-Levrault, 1913), is a careful study of the institution during the pre-revolutionary period, when its administrative system was gradually formulated and then modified. Accounts are given of the staff, finances, infirmaries, provisioning, and internal discipline, as well as of the building itself and its annexes. C. E. M.

In *Le Masque de Fer* (Paris: H. Le Soudier, 1913) M. E. Laloy does not profess to have solved the problem of the Mask; he presents

the results of previous investigations, and adds some useful criticisms. Du Junca, lieutenant of the Bastille, notes that on 18 September 1698 Saint-Mars, the new governor, brought thither an 'ancien prisonnier masqué' whom he had previously watched over at Pignerol, and whose name and crime were so closely guarded that neither was disclosed upon his death, which occurred in 1703. During the eighteenth century many surmises were made as to the identity of this mysterious personage, who was believed in turn to be Vermandois, a natural son of Louis XIV, Beaufort, Fouquet, a son of Cromwell's, and even Louis XIV himself. More serious investigators of the problem have since advanced three chief candidates for the honour of the mask: these are Matthioli, the Mantuan minister who betrayed the secret negotiations for the cession of Casale; the Abbé Prignani, one of Louis XIV's agents to Charles II; and Jacques Stuart de la Cloche, the adventurer who claimed to be a son of the English king. M. Laloy discredits Monsignor Barnes's case for Prignani by proving that the death of the latter took place in Rome 1679; he shows the improbability of the Matthioli theory supported by M. Funck-Brentano, and also of Andrew Lang's surmise that the prisoner was a certain Martin, the valet of Roux de Marsilly, a go-between of the English government and the Swiss. Though M. Laloy can give no definite information as to the identity of the legendary prisoner or his crime, he traces his actual career and arrives at the following conclusions: that he was arrested in August 1669, and went under the fictitious name of Eustache Dauge; that he was probably an ecclesiastic; and that 'l'importance de son secret était probablement plutôt dans ce à quoi il avait été employé que dans sa personnalité même'. Incidentally this study has its bearing on English history by throwing light upon Charles II's schemes for the re-establishment of catholicism.

C. E. M.

M. Charles Bost's *Les Prédicants protestants des Cévennes et du Bas-Languedoc, 1684-1700* (Paris: Champion, 1912), is an exhaustive account of the Huguenot preachers of the desert from the Revocation of the Edict of Nantes to the revolt of the Camisards. It deals not only with the careers of individuals such as Brousson and Vivent, but with the complete organization and worship of their church, and with the general history of the persecution. The projects of the Huguenots in relation to the Protestant powers of Europe are of special interest, and a full account is given of the negotiations which preceded the Peace of Ryswick, which ended all hopes of effectual aid from abroad. A large number of *pièces justificatives* are appended; there is a good map, and a useful index both of names and places. This work is based mainly upon a long and extensive study of the local sources. M. Bost has examined carefully both the departmental archives of the Hérault and the manuscripts of Antoine Court at Geneva—sources unexplored by M. Douen, whose monumental work on the 'pasteurs' the present volumes were originally designed to supplement.

C. E. M.

Dr. Henri Marion's interesting book on *La Dime ecclésiastique en France au xviii^e siècle et sa suppression* (Bordeaux: Imprimerie de l'Université,

1912) deals with two very distinct subjects. The first part treats of church revenues before the Revolution; the second gives a full account of the debates in the Constituent and Legislative Assemblies concerning their suppression, with the attempts to recover tithe after the Restoration. The author has made use of printed *cahiers de doléances* and similar literature from all parts of France; his manuscript work has chiefly been in the archives of the archbishopric of Bordeaux, transferred since disestablishment to those of the department. The state of affairs in the eighteenth century was curiously like that in England before 1836, except for the rarity of rectories in our sense. There were only twenty-five in the three dioceses of Lorraine. Tithe was also much more divided, both as to the lands within the parish and as to the crops on which it was levied, than with us, and the confusion and rival claims of different religious corporations led to endless litigation. Often the vicar had no tithe, and Dr. Marion gives a full account of the struggles of the working clergy to obtain and augment their *portio congrua*. His sympathies throughout are with this class, and he assumes that they ought to have received the tithe. The last worker in this field, the Belgian Dr. Delannoy, took the opposite side. But both show the strong feeling of the parlements against the tithe-owners and their sympathy with the vicars. Brittany was among the provinces most full of complaints. There is much agricultural information, for changes of crops led to changes in the incidence of tithe, and to consequent disputes. It is curious that the common Teutonic burden on the tithe-owner of supplying a bull and a boar has only been noticed by Dr. Marion in Lorraine and Champagne. One would have expected French Flanders and Picardy rather than the latter province. It is an interesting point that while the general assemblies of the clergy had contained few representatives of the working clergy, their voice was dominant in the first revolutionary assembly over that of their superiors. Thus the surrender of tithe meant a gift which cost those who made it exceedingly little. Dr. Marion has been fortunate in choosing a subject almost untouched, and his fullness and accuracy are admirable; not least in his *précis* of debates, which cast important light on the social and economic ideas of 1789. P.

Dr. R. Koser, in volume i of the fifth edition of his *Geschichte Friedrichs des Grossen* (Stuttgart: J. G. Cotta, 1912), presents the fullest and most authentic narrative of the early years of Frederick II, down to the conclusion of the campaign of 1745. The narrative is very full of matter, but it runs easily, and is free from the common defect of a superabundance of notes. Indeed, the student would value references, which are very scanty. It is impossible here to notice more than the chief features of this closely packed volume of nearly 550 pages. But it may be suggested that the story of the attempted flight of Frederick, as crown prince, would have gained in value if the author had investigated the British archives and shown whether there was any ground for the suspicion of Frederick William that the British government had a hand in the affair (p. 43); and the earlier chapters would have been improved by the addition of larger extracts from the correspondence of Frederick with his friend von. Suhm. Dr. Koser admits the genuineness of that correspondence, which is very

illuminating. In one of the few foot-notes, he quotes Frederick's poem 'Sur le Hasard' (1757), a convincing proof that the hero of Rossbach then fully admitted that good fortune gained for him the victory at Mollwitz. Dr. Koser admits (p. 317) that Frederick fled five (German) miles from the battlefield. It is singular that the king made no reference in the poem to the splendid work of 'the old Dessauer' in perfecting the musketry tactics of the Prussian foot, which won the day at Mollwitz. A defect of arrangement in the present volume is the absence of any clear and continuous account of the claims on Silesia. Q.

It is not often that a university thesis breaks new ground in so satisfactory a fashion as does Dr. D. E. Smith's *The Viceroy of New Spain* (*University of California Publications in History*, vol. i, no. 2. Berkeley, 1913). Mr. Smith explains that,

the works that have deliberately attacked the problems of the actual government of New Spain, and have been based upon the sources, have confined themselves exclusively to a certain kind of documents, viz. the Laws of the Indies. This has resulted in our knowing a great deal about what the Spanish officials were supposed to do, but almost nothing about how they actually did it. One of the common fallacies to which writers on Spain in America have been subject . . . has been to confound the legislation for the Indies with the execution of those same laws. . . . What is really wanted at the present time for the clear understanding of how the Spanish régime actually worked is an exposition of the actual process of carrying into effect these laws.

Mr. Smith confines himself to only one portion of the Spanish empire, the viceroyalty of New Spain, and to a definite period, the latter half of the eighteenth century; but, within these limits, he gives an exhaustive study of the viceroy's place in the Spanish system. The volume is a welcome result of the throwing open of Mr. H. H. Bancroft's invaluable library of books relating to Spanish America to serious students. It is a pity that Mr. Smith should have lent himself to an unnecessary gibe at the British system of a governor-general. He knows enough to confine himself to subjects on which he is an authority. H. E. E.

Thulemeyer, whose *Dépêches, 1763-88*, have been issued by the Historical Society at Utrecht (Amsterdam, 1912), was the Prussian representative at the Hague during the years covered by this correspondence, and his dispatches to Prussia were, like those of other foreign envoys to their governments, regularly opened and copied, a practice which continued, at least in the case of Prussian dispatches, down to 1803. Robert Fruin took a number of extracts from the dispatches of foreign envoys, but never published them, and after his death in 1899 they were handed over by his literary executors to his pupil, Mr. H. T. Colenbrander, who had himself been doing work in the same field. It was not possible for Mr. Colenbrander to issue this book for some years, but he has utilized the delay to complete and check the correspondence. It is fully annotated, and shows every sign of the care and learning which one would expect to find. Thulemeyer himself was not a person for whom it was possible to feel much respect; his conduct with regard to women and money is

open to severe censure, though as far as the latter is concerned the wretched pay allowed by Frederick the Great to his envoys is some excuse. But there seems to be no evidence for the charge brought against him by the English and Orange side of having been sold to the French. He endeavoured loyally to carry out Frederick's policy, but his long local experience quite failed to enable him to foresee the course of events in 1787. The last eight years are far more fully represented in the correspondence than the earlier years.

H. L.

It is not the fault of Mr. G. L. Clark, who has written a clear and convincing vindication of *Silas Deane* (New York: Putnam, 1913), that his book is most depressing reading. Silas Deane was no doubt badly treated by Congress; but neither his services, which were connected with the furnishing of supplies for the American army, nor his indiscretions, which were the writing of letters, despairing, in 1781, of the fortunes of his country, were such as to arouse much interest in the modern reader.

H. E. E.

Professor Max Farrand, the editor of *The Records of the Federal Convention*, has embodied the substance of his researches in a volume, *The Framing of the Constitution of the United States* (Newhaven: Yale University Press, 1913), which gives the most lucid and complete account of the subject that has appeared. The discovery within recent years of notes in the handwriting of Edmund Randolph and James Wilson has supplied a knowledge of the working of 'the committee of detail', which is of great importance in tracing the evolution of the American constitution.

H. E. E.

The value to the student of the French Revolution of such a book as M. E. Sévestre's *Essai sur les Archives municipales et les Archives judiciaires des chefs-lieux de département et de district en Normandie pendant l'Époque révolutionnaire (1787-1801)* (Paris: Picard, 1912) is incalculable. It contains a careful inventory of the most important documents in the archives of the six or eight principal towns of the five departments—Calvados, Eure, Manche, Orne, and Seine-Inférieure—into which the old province of Normandy is divided. For the municipal archives M. Sévestre has wisely followed the classification prescribed by the Ministry of Public Instruction, even in those cases where existing inventories have adopted other systems. In every series he gives the exact limiting dates of each register or bundle, pointing out where gaps exist and registers are missing. For each register of deliberations he refers in a foot-note to the numbers of the folios where any question of political, religious, or economic interest is to be found, or in some cases, as that of Rouen, to an analysis already published. The same method is adopted for those registers in the judicial archives which are of sufficient interest. The only possible criticism is to regret that M. Sévestre felt obliged to confine himself to the *chefs-lieux*, a regret which he seems to have shared, for he gives, in various foot-notes, short inventories of other municipal archives of interest, collecting the references to these foot-notes in an appendix. The last appendix consists of an excellent index of places and proper names.

M. A. P.

In his *Manuel pratique pour l'Étude de la Révolution Française* (Paris : Picard, 1912), M. Pierre Caron has produced a work which cannot fail to be of the utmost assistance to advanced students of the Revolution. 'I remember my own beginnings,' writes M. Aulard in a letter to the author which serves as preface, 'how I was compelled to improvise my bibliography, groping about without light or guidance. I have spent a considerable portion of my life in accumulating, piece by piece, and incompletely, the indispensable information which your excellent manual affords, and which will save the reader years of research.' This warm testimony from the greatest living authority on the Revolution is in no way exaggerated. M. Caron covers the decade between the summoning of the States-General and Brumaire, omitting only the history of literature, art, and the sciences. The first of his three chapters deals with the organization of study and production—the national and local commissions, the private societies, the special and general journals, the collections of memoirs and monographs. Among the most important of the publications briefly described are those of the commission for the economic history of the Revolution, created in 1903 (of which the learned archivist is himself secretary), Aulard's monumental work on the Committee of Public Safety, at last nearing its conclusion, and Lacroix's edition of the Acts of the Paris Commune. The second and longest chapter provides a guide to the treasures of the National and other Parisian archives. The third is devoted to printed sources, including the newspapers, which, though in their ensemble a source of the first importance, have in many cases never been opened since the date of their issue. A brief survey of the older histories, Thiers and Mignet, Michelet and Louis Blanc, Quinet and Taine, leads to the verdict that they are out of date, since the systematic documentary study of the Revolution is only thirty years old. Moreover, they were almost exclusively devoted to political affairs. 'To-day a history of the Revolution must embrace everything—diplomatic and military, religious, economic and social, as well as political facts. Thus conceived it becomes a formidable undertaking, transcending the powers of a single mind.' The work of the future, he concludes, will be co-operative, following the method of the *Histoire Générale* of Lavissee and Rambaud and the *Cambridge Modern History*.
G. P. G.

In the *Proceedings of the Massachusetts Historical Society*, May 1913, Professor Macdonald points out that C. J. Marshall took his well-known constitutional doctrine of implied powers, as stated in *McCulloch v. Maryland*, from an opinion of Alexander Hamilton submitted to Washington in 1791. That this opinion was known to Marshall is proved by the fact that it was printed, in part, in an appendix to Marshall's *Life of Washington*.

H. E. E.

In *Les Panégyristes de Louis XVI et de Marie-Antoinette* (Paris : Picard, 1912) M. Pierre Ladoué has collected and arranged in chronological order the titles of 463 volumes, brochures, articles, and poems, lamenting the death and defending the memory of the royal sufferers. In many cases a brief analysis of the work is provided. The volume will naturally be of

most use to the biographers ; but it is also, in the author's words, a contribution to the history of public opinion in France. He compares his bibliography to a stream, boiling and impetuous at its source (on the morrow of the tragedy), flowing underground for a considerable distance (during the Directory, the Consulate, and the Empire), émergeing and broadening into a spacious lake (under the Restoration), then narrowing into the river of moderate size which is still flowing. The publications bear the literary as well as the political stamp of their time, and reflect the varying fortunes of the classical and romantic movements. M. Ladoué has performed his useful task with excellent judgement, and frankly confesses that in his long list there is neither a great name nor a masterpiece. Of the enormous quantity of panegyrics produced in the early years of the Restoration the larger number were written to curry favour with Louis XVIII, and lacked the sincerity which alone renders such literature tolerable.

G. P. G.

The Commission Temporaire des Arts, with which was merged a previous Commission des Monuments, was instituted in Paris in 1793 and laboured for a little over two years. Its aim was to recover for the Republic, and especially for the Comité d'instruction publique, objects of scientific, literary, and artistic value, 'soit des Académies et sociétés supprimées, soit des maisons ci-devant religieuses, soit de celles des émigrés, soit de celles des conspirateurs condamnés, soit de celles de la ci-devant Liste civile ou de tous autres dépôts nationaux.' The objects inspected by the commission and its agents were to be inventoried, scheduled, and, where possible, placed in the national or provincial museums. A substantial volume of over 700 pages, edited by M. Louis Tuetey (*Procès-verbaux de la Commission Temporaire des Arts*, vol. i. Paris : Imprimerie Nationale, 1912), records the sittings of the commission, the minutes of its meetings, the correspondence with its agents sent all over France, their reports, and the decisions of the commissioners on points submitted to them. Among the commissioners we find the names of Cuvier, Le Roy, Ameilhon, Wicar, Lenoir, Fragonard, and many others. Without an index, which doubtless will be supplied in the next volume, it is difficult to use a work covering so large a field and crowded with detailed information. But it is impossible to open the pages at haphazard without lighting on matters of interest, or to exaggerate the importance of the efforts made to preserve the treasures appropriated by the government, to check depredations, dilapidations, the bad restoration of pictures, above all to take steps 'pour étouffer le germe destructeur'. The commission rescued innumerable libraries, castles—for example, those of Chantilly and Praslin, where the lead roofs were coveted—the church of Franciade with its painted glass, the tower of St. Maclou, the château d'Écouen, the Porte St. Denis, organs in Paris, an aqueduct at Maintenon, the Bayeux tapestry, a collection of music and instruments ; and they take note of pictures by Rubens from Belgium, a Hebrew Bible at Fréjus, a copy of the 'Monasticum Anglicanum', a wooden Cupid of good workmanship, and even a maker of feather pictures.

R. E. P.

In his admirable little monograph, *Les Fiançailles de Madame Royale* (Paris : Plon, 1912), the Comte de Pimodan throws a flood of light on the influences and rivalries which played round the pathetic figure of the orphan child on her release from the Temple in December 1795. The work is based throughout on a voluminous *dossier* in the Vienna archives, consisting of copies secretly taken by the Austrian police of letters to and from the princess during 1796 and 1797. Under cover of affectionate sympathy Louis XVIII and the Emperor Francis endeavoured to use their relative for their political objects. There was talk of uniting her to the Archduke Charles ; but the desire of her parents that she should espouse her cousin, the Duc d'Angoulême, prevailed. The portrait of the princess, drawn by her own hand, in these pages, shows more of the brightness and resilience of youth than has usually been attributed to her ; but the author believes that even before her marriage she had begun to exhibit signs of that settled melancholy and moroseness which were to pain and sometimes to shock ardent royalists in days to come. The volume forms a welcome supplement to the more ambitious narratives of Lenôtre and Ernest Daudet.

G. P. G.

An English translation, admirably produced, has appeared of the French work of M. K. Waliszewski on *Paul the First of Russia, the son of Catherine the Great* (London : Heinemann, 1913), already reviewed in these pages (xxvii. 791). The bibliography has been omitted, but the index fortunately retained. The (anonymous) translation seems much better than some of those of the same author previously published by the same firm.

N. F.

A second series of *Lettres inédites de la Comtesse d'Albany à ses amis de Sienne* (1802-9) has been edited by M. Léon G. Péliissier (Toulouse : Privat, 1912). The letters are to the priest Luti and to Mocenni, the son of her friend lately deceased, and are similar in character to those previously published.¹ Most of the letters have little historical value, and it may be doubted whether the personality of the *amie* of Alfieri and Fabre is worthy of much further revelation. The story of her life is fully known, and though the archives at Milan and Siena may perhaps contain letters of interest they are more likely to be amongst those the countess received than those from her own pen. There is, however, in her letters to Luti a running commentary on events which is not altogether without interest as revealing current gossip. For instance, she writes in 1805 : ' Madame de Staël a été à Milan et la Police avait l'ordre de la faire partir, si Buonaparte n'était pas parti. Ce grand homme est si superstitieux qu'il croit que cette femme lui porte malheur.' But the letters of maternal advice to the son of a Sienese tradesman cannot be considered very inspiring. Such solicitude for other people's health and virtue is a too familiar trait of middle-aged ladies to bear reading very closely.

C. K. W.

The August number of the *Preussische Jahrbücher* contains a very noteworthy paper on Börne and E. T. A. Hoffmann by Dr. C. Daniels,

¹ See *ante*, xx. (1905) 591.

in which the paradoxical rhetoric of the former is effectively contrasted with the realistic power of the latter writer, often overlooked because of his tendency to the grotesque. Both writers played a part in the years of reaction and persecution after 1819, Börne as a liberal journalist who had to take refuge in Paris, Hoffmann as a legal official, whose satirical attack on the arch-persecutor Kamptz condemned him to an exile from which he was saved by a premature death. A. W. W.

Two books, the one by Dr. E. Hemmerle on *Die Rheinländer und die Preussische Verfassungsfrage auf dem ersten Vereinigten Landtag (1847)*, and the other by Dr. H. Nathan on *Preussens Verfassung und Verwaltung im Urteile rheinischer Achtundvierziger* (nos. 2 and 3 of *Studien zur Rheinischen Geschichte*, edited by Dr. A. Ahn. Bonn: Marcus & Weber, 1912), serve to supplement each other. The first is a careful systematic account of the attitude of the Rhine Province—in particular of its newspaper press and the prominent members of its 'états'—before and during the first parliamentary assembly of the Prussian monarchy. The published proceedings of the Landtag are reinforced by unprinted motions of Rhenish members. They support the general conclusion that the real leadership of the whole parliamentary movement, whether in using all effective means of promoting democracy or in abandoning any pretence of doing it, lay just with those few representatives of highly-developed capitalism who afterwards filled the cabinets of the Revolution, and who, though then almost always backed by large majorities of their colleagues, were yet far from expressing the 'public opinion' of a population largely composed of a clerical and particularist *bourgeoisie* and a politically apathetic proletariat. The actual variety of the local political life might have been brought out much more clearly in the second book, but as its author has limited herself to quotations from the contemporary pamphlet literature, without much comparison of either legal or economic and social facts, many interesting lines of investigation are rather touched upon than developed. Justice was bound to be done in this way to the radicals, whose activity was chiefly literary and on whose economic inexperience there are some good remarks (p. 97 f.). But the deeper springs of the contrast between the aggressive capitalism of the liberals and the rigidity of the governing bureaucracy, those 'impecunious examinees', as Hansemann characteristically calls them (p. 74), are hardly seen. It is a pity that the vexed controversy as to the legal foundations of a constitution should be obscured by an assertion like that on p. 93, that the edict of 17 January 1820 had promised a triennial publication of budgets. C. B.

The Clarendon Press, in *The French Revolution of 1848 in its Economic Aspect* (2 vols. 1913), has furnished a very handy reprint of Louis Blanc's *Organisation du travail* and Émile Thomas's *Histoire des ateliers nationaux* with an introduction by Mr. J. A. R. Marriott. The introduction, especially that part of it which deals with French history and thought before 1847, is slight and not always accurate. As Mr. Marriott usually writes Morellet and not Morelly when referring to the author of the *Code de Nature* (1755)—the two spellings occur in successive lines on p. xix, but the head-line of

the section has Morellet—he apparently thinks they were the same person. Morelly is hardly an historic person at all—just a few books and no known date either of birth or death—but he was, as Mr. Marriott says, a sort of socialist. Morellet is a very distinct person (born 1727, died 1819), who wrote most entertaining memoirs, began a translation of Adam Smith, and contributed to the *Encyclopaedia*, but he had nothing to do with socialism—he was something of a physiocrat—or with Babeuf, who is called his disciple on p. xxi. Nor did Babeuf's conspiracy take place, as seems to be implied, 'during the pandemonium of the Terror.' To quote the Constitution of the Year III and the Code Napoléon from Guyot through Lecky's last and worst book is roundabout. The suggestion (p. xxviii) that discontent at Lyons in the thirties was due to the 'introduction of machinery' and 'the evolution of the factory system' is rather misleading. Very little power-driven machinery, and hardly anything that could fairly be called the factory system, existed in the Lyons silk trade in the first half of the nineteenth century. Its fearful crises were due to other causes. But the account of Louis Blanc and Thomas, and their opinions, which forms the bulk of the introduction furnishes a useful commentary to the texts that follow.

J. H. C.

The posthumous publication, by his son, of General Julius Hartmann's *Meine Erlebnisse zu hannoverscher Zeit, 1839–66* (Wiesbaden : Bergmann, 1912) supplements the well-known *Reminiscences* of this able officer and remarkably clear and attractive writer, and will be read with special interest at the present moment, when the relations between the Guelph and Hohenzollern families have undergone so happy a change. By no means the least pleasing part of the volume consists of its earlier chapters, describing the life of a young Hanoverian artillery officer of unusual intelligence, who, though before the abortive Schleswig-Holstein campaign of 1848 his service had to all intents and purposes been home service only, had kept unimpaired the freshness of his mind and the openness of his outlook into life. His incidental statements as to the particular causes which helped to render inevitable the overthrow of the Hanoverian throne lack neither insight nor candour. The hopeless incompetence of the unfortunate King George V (whose queen was without the intellectual gifts which might have enabled her to influence him in the right direction) manifested itself already in prosperous times, particularly through his pathetic insistence on trying to understand the details of every subject for himself. When the crisis in German affairs drew near, his government was wholly isolated, and the king fell more and more under the control of bad advice. The actual catastrophe found him, in the old English sense of the word, *unready* as well as obstinate ; and, notwithstanding the loyal sentiment indigenous in the kingdom of Hanover, there must have been many officers who, on their return from Langensalza to Hanover, had resolved never again to serve under the rule of George V. In the end, after a long and painful series of negotiations, 525 formerly Hanoverian officers entered the Prussian army, while 72 asked for the proffered Hanoverian pension, and 90 held their peace. To this result the future Prussian general, Hartmann, had materially contributed by the frank consistency of his attitude, and by the

clear insight into the political situation, to which he had given expression in a pamphlet written in reply to a courtly jeremiad on the Prussian occupation of Hanover.

A. W. W.

Professor Jorga, of Bucharest, who was Rumanian delegate at the recent Historical Congress in London, has republished as a pamphlet two communications made to that gathering on *Les bases nécessaires d'une nouvelle histoire du moyen âge* and *La survivance byzantine dans les pays roumains* (Bucarest: Ministère de l'Instruction Publique, 1913). He desires the production of a great, universal history of the middle ages, which shall not be a mere mass of details but a living depository of historic results, with the practical object of 'preserving the *historic sense*' of mankind. In his second essay he traces the influence of Byzantine ceremonial and of Greek (including Trapezuntine) princesses at the courts of the two Rumanian principalities, and deplores the paucity of Bulgarian and Servian, as compared with Byzantine, historians during the periods of the two Bulgarian empires and of the Servian monarchy.

W. M.

The *Byzantinische Zeitschrift*, xxi. 3, 4, contains papers by C. De Boor on Suidas and the Collection of Excerpts of Constantine Porphyrogenitus; by J. de Ghellinck on a hitherto unknown Latin version of John of Damascus, made in Hungary before 1150; and by T. Preger (B. Pantchenko) on an anonymous sixteenth-century list of the towers and mural inscriptions of Constantinople. Jenő Darkó writes on popular names of Hungarian origin among the Byzantines, and Max Bonnet discusses T. Nissen's edition of the Life of Abercius.

In xxii. 1, 2, D. Serruys treats of the canons of Eusebius, Annianus, and Andronicus after Elias of Nisibis; R. Grosse writes on the Roman marching camp from the fourth to the tenth century; and C. Saumagne explores the conditions of ecclesiastical property at Carthage as regulated by Justinian's Novels xxxvi and xxxvii.

F. C. C.

Under the auspices of the metropolitan of Crete there has appeared the first volume of a new periodical, *Χριστιανική Κρήτη, Creta Christiana* (ἐν Ἑρακλείῳ Κρήτης, Τυπ. Στυλ. Μ. Ἀλεξίου, 1912), which is intended to be 'the treasury of the historical material, from which one day will be constructed and put together the at present unknown history of Byzantine, Venetian, and Turkish Crete'. This praiseworthy undertaking has made an excellent beginning with a collection of legal documents of the Venetian period from the monastery of Aréti, ranging from 1575 to 1643, by K. St. Xanthoudides; a similar collection of the Turkish period by K. Bourdounpákis; a poem of Paul Oikonómos, composed in 1736; and various critical studies. It is an interesting characteristic of the condition of things in Greek lands during the present *annus mirabilis* that the delay in publishing the last fascicule of the present volume was due to the absence of the printers at the war.

W. M.

The *Bibliographie Lorraine* for 1911-12, published by the Faculty of Letters at Nancy (*Annales de l'Est*. Paris: Berger-Levrault, 1912),

is even larger than its predecessor for the years 1910-11. This survey of historical, economic, and general literature is a model of its kind; its critical articles follow the plan made familiar by the *Revue historique* and the *Revue de Synthèse historique*. F. M. P.

In her treatise *Of Six Mediaeval Women* (London: Macmillan, 1913), Miss Alice Kemp-Welch has brought together a series of pleasantly-written papers (some of which appeared in *The Nineteenth Century and After*) intended to illustrate the life, and still more the influence of women in the middle ages. She has chosen for her subjects Roswitha, Marie de France, Mechthild of Magdeburg, Mahaut, countess of Artois, Christine de Pisan, and Agnes Sorel. It will be clear that they have been selected not as varied types, but as instances which from the possession of some definite personality or intellectual quality will display the best side of feminine influence and inspiration. The articles do not in their form make any pretence of new or profound research, but they are composed with a sufficiency of learning and insight to make agreeable and instructive reading. A 'Note on Mediaeval Gardens' is added, which serves to remind us that life in the middle ages had its gentler sides. One may add as an instance that Edward IV had his garden and vineyard of pleasure, and took enough pride in them to show them specially to his guest, Louis de Gruthus. Also, as a small correction, James of Scotland was not kept so close a prisoner that he might not have ample opportunity to meet Joan Beaufort (not Beaumont, as Miss Kemp-Welch calls her), after he had conceived his passion when seeing her walking in the garden. C. L. K.

Every student of the European state system, as it is to-day, will realize his indebtedness to the numerous works of able American observers. Among these works Dr. Frederick Austin Ogg's *The Governments of Europe* (New York: Macmillan, 1913) will rank high. The book contains adequate but concise accounts of the law and custom of each constitution in western Europe, and includes in its survey the judicature, the local government, and the parliamentary procedure of the countries with which it is concerned. No other work comprises so much information on contemporary constitutional and political developments in different states. It is admirably thorough. Although its use may be primarily for reference, the author justly claims that it also affords 'a wide opportunity for the comparative study of political institutions, especially by reason of the fact that the governmental system of a minor country may exhibit elements of novelty and importance not inferior to those to be observed in the political organization of a greater state'. G. B. H.

The *Festschrift für Lorenz Morsbach*, edited by Dr. F. Holthausen and H. Spies, forming the fiftieth number of the *Studien zur Englischen Philologie*, edited by L. Morsbach (Halle: Niemeyer, 1913), contains sixteen contributions, among which eleven may claim the interest of English historians. H. Cornelius collects and classifies the English place-names ending in *-wick*, *-wich*. M. Deutschbein examines the historical basis of

Beowulf, and maintains that the hero of the poem was never king of the Gauts. K. Wildhagen reviews the literary history and the glosses of the *Psalterium Romanum* in early England. M. Förster describes the Vercelli collection of Anglo-Saxon literature. The manuscript seems to have wandered to Italy, not through Guala, Henry III's papal guardian, but rather through the medium of a German monastery under insular influence. Valuable for Anglo-Saxon institutions are the editions (pp. 153, 159) of an Anglo-Danish will illustrating the Scandinavian *arval* ('heir's beer,' 'banquet of inheritance') and a fragment of villan duties to the manor. The five homilies which also appear here for the first time shed some light on English morals about A.D. 1000. E. Björkman explains the names of the *festermen* ('pledges,' 'warrantors') of Archbishop Ælfric of York, most of them Scandinavian. W. Foerster thinks that punishment by burning, for which he collects a great many examples from Old French epic, was not derived from insular Celts. J. M. Manly considers that Chaucer's *Parlement of Foules* did not originate in an historical situation, but was rather written for a social entertainment. H. Spies discusses Chaucer's religious temper; his *Parson's Tale* is altogether genuine. J. Hoops depicts the civilization of Virginia in the seventeenth and eighteenth centuries. H. Hecht reconstructs the biography of Deacon Brodie of Edinburgh, executed in 1788, the model of R. L. Stevenson's double-sided figures. F. L.

The third volume of Professor August Fournier's *Historische Studien und Aufsätze* (Vienna: Tempsky, 1912), containing mostly reprints from German and Austrian periodicals, consists of two different elements. First, there are many curious, not to say piquant scraps of information taken from the records of the central police office at Vienna, which came under the care of the author as keeper of the archives of the ministry of the interior. From the organization of the 'secret service' of police spies by the enlightened Joseph II, they go through the times of Metternich, when Schiller's *Wallenstein* was forbidden by the Austrian censor, and even the letters of Karl August of Weimar from Karlsbad were intercepted, down to the first appearance of Franz Liszt at Vienna. Secondly, there are larger contributions to more central parts of the history of the same period. Apart from the well-known treatise on Stein's and Gruner's stay in Austria, 1810-12, which, enlarged and brought up to date, almost forms a little book by itself, and some interesting diplomatic reports on the episode of Lola Montez at Munich, these articles are chiefly derived from the papers of Count Kolowrat, the friend of Gentz and member of the oligarchy constituted under the name of the Staatskonferenz at the accession of the Emperor Ferdinand. Ample letters of Gentz are a welcome supplement to Wittichen's edition, and with the help of the records of the Konferenz the history of the Ausgleich with Hungary is to be definitely traced back to Franz Deák's visit to Vienna in 1839. C. B.

The History of English Patriotism, by Mr. Esmé Wingfield-Stratford (2 vols. London: Lane, 1913), is an interesting book. The author has read a great deal and he has much to say. He often dissents in vigorous

language from the views of others, but he generally gives reasons for his opinions. He finds something to admire even in those for whom he has on the whole the least sympathy. Any one who cares to read the criticisms passed by an independent mind on a large number of Englishmen (and some foreigners) of the most various kinds will find these volumes stimulating and suggestive. But what is their subject? The author begins by insisting that patriotism cannot be rigidly defined: 'Patriotism is but the highest form of love for a created person.' If we cannot have a scientific definition, we ought at least to have a working definition; but the author does not seem to attain to this anywhere, and yet surely it is impossible to write the history of a sentiment without deciding what that sentiment really involves. Sometimes patriotism appears to be opposed by him to cosmopolitanism; but it is no more obvious without proof that a lover of England cannot have a wider love also, than that a boy's loyalty to his school necessarily interferes with his affection for his family. Sometimes Mr. Wingfield-Stratford opposes patriotism to humanitarianism, and his anxiety that Englishmen should have a proper feeling for England apparently drives him to deprecate the taking any steps to diminish the chances of war. He tells us that love for God and love for our country must coincide: he ought at least to have shown how, if at all, he can escape from a Hobbesian view of religion. When he deprecates sordid calculation and demands a spirit of self-sacrifice, he has our sympathy; but here, too, more exact definition is wanted. He tells us more than once that questions of infinite delicacy are involved: our quarrel with him is that he does not even try to state, far less to solve them.

R.

Mr. D. P. Heatley's *Studies in British History and Politics* (London: Smith, Elder & Co., 1913) range over very varied ground. A study of Bacon, Milton, and Laud leads to a deduction that 'the restoration of 1660 was a restoration much more of the Church of England than a restoration of either the monarchy or the Parliamentarians'. The three signatories of the declaration of American independence, who were educated at Edinburgh—Rush, Wilson, and Witherspoon—are the subjects of another sketch. Two chapters on political philosophy are rather dull. The best study in the book is the interesting and well-informed paper on Maitland, reprinted from the *Juridical Review*. Here the author summarizes well our debt to 'the finest intellect of the nineteenth century devoted to the study of English history, and to that study in its most exacting claims'.

G. B. H.

A writer who professes to be 'neither historian nor sociologist, but a barrister who hates specialists', will hardly appeal to the spirit of this Review. M. Léon Hennebicq's *Genèse de l'Impérialisme Anglais* (Paris: Alcan, 1913) is, moreover, too extravagant in some of its generalizations, is not always accurate with regard to facts, and occasionally, as in its treatment of Nelson (pp. 201–31), gives a caricature of actual history. Nevertheless, in spite of all these faults, the book is original and stimulating, full of incisive and even brilliant judgements on Englishmen and English methods. M. Hennebicq analyses our imperialism as a blend

of racial pride and love of power, of the sportsman's wish to excel and the practical man's wish to make money; and he notes the constant element of sentimentalism, by which the launch of a dreadnought becomes an act of faith. Of this sanctification of commercial expansion by the theory of 'the white man's burden', he says, 'On ne sait plus si c'est le clergyman qui trafique ou le marchand qui prêche.' His chapters on seventeenth and eighteenth century imperialism are slight, but his observations on Palmerston and Carlyle are excellent, and he appreciates thoroughly the nature and extent of Disraeli's influence on English thought.

G. B. H.

Dr. J. C. Cox's *Churchwardens' Accounts* (London: Methuen, 1913) is a substantial and welcome help to the study of English antiquities. It is based on careful examination of the records of upwards of four hundred parishes, and presents in a well-arranged fashion the vast variety of social, economical, and ecclesiastical topics which come to the front in these parish archives. It ranges from 1349 to the present day. The records examined are chiefly urban; the rural parishes are less fortunate. Dr. Cox seems to have overlooked the extensive excerpts and transcripts of parish records in the Bodleian Library, contributed by Anthony Wood and later students. There are, of course, errors of mistranscription and misprinting, e.g. *ye noble parysh* (p. 6) must be *ye whole*; and Weybridge, Essex (pp. 274, 356), should be Heybridge, near Maldon,—only at Heybridge there is now (1913) no dramatic record such as Dr. Cox cites. Some parish customs are admirably treated, e.g. *church-ales*, others less perfectly. Dr. Cox implies (p. 94) that the wine provided at Easter was consumed at the celebration. As a matter of fact most of it was expended, not in church, but after service, at a banquet in some house in the parish. The most interesting chapter is that on *Church or Parish Plays*, which points to great possibilities of hitherto unexplored matter to illustrate the prevalence of dramatic performances in medieval English boroughs, and even villages. In chapter xxii, and in the preface, Dr. Cox adumbrates treatises on *Constables' Accounts*, and on *Overseers' Accounts*, of which most parishes have sets, almost all unexamined. The present volume is just what incumbents have been in search of, to direct them in the intelligent study of the voluminous and very confused records of their parish chests.

A. C.

In the eleventh volume of the *Transactions of the Cumberland and Westmorland Antiquarian and Archaeological Society*, New Series, Professor Haverfield has published some *Notes on Reginald Bainbrigg of Appleby, on William Camden, and on some Roman Inscriptions*. Bainbrigg was a northern correspondent of Camden who was then working on his *Britannia*, and his notes, which are preserved in the Cotton MS. Julius, F. vi, were utilized by Camden in the later editions of his great work. These papers are here printed by Professor Haverfield with the appropriate references to the *Corpus Inscriptionum*. Their interest lies in the fact that they constitute the material upon which Camden worked, and which he frequently edited and emended; and, although they are almost wholly concerned with Roman remains and inscriptions in the northern counties,

they include some miscellaneous topographical notes, such as the description of the salt spring at Butterby in the Wear, near Durham (f. 335). In the list of places on the river Reed (f. 325) 'trowg the' should be read as 'Troughend'. Camden's *Britannia*, one of the most popular books published in Queen Elizabeth's reign, still deserves close study. A conspectus of the several editions published in Camden's lifetime, showing the successive additions made by the author to his original work, would be of the greatest service to students of topography and local history; and such a work could be most usefully illustrated from the collections made by Bainbrigg and others of Camden's correspondents. S.

* Mr. Ian C. Hannah's book on *The Berwick and Lothian Coasts* (London: T. Fisher Unwin, 1911) is a volume of the County Coast series, to which Mr. Hannah has already contributed a description of the Sussex coast, and describes the sea-board from Berwick-on-Tweed to Linlithgow. The coast-line past St. Abb's, Cockburn's Path, Dunbar, and North Berwick is full of natural beauty and historical associations. Edinburgh, with its immediate surroundings, occupies, as its due, one-third of the volume. Mr. Hannah has read, as well as travelled, widely, and this imparts freshness to his writing and renders his book a pleasant reinforcement of the ordinary tourists' guide-books. The writer does not, however, pretend to go back to original sources, so he cannot be said to add materially to the existing historical literature dealing with that part of Scotland. On the other hand, the architectural descriptions are distinctly good. So too are the drawings and photographs illustrating the work, though a protest must be raised against the crudity of the colours in the frontispiece, a quality that is unhappily distinctive of the coloured illustrations in much recent topographical literature. H. H. E. C.

Through the energy of Mr. W. H. Williams, churchwarden of Burnham, and the liberality of Mr. S. R. Christie Miller, the charters of the church of Burnham have been reproduced in facsimile in *Burnham Church Deeds* (London: privately printed at the Artists' Press, 1913). They are fifteen in number, ranging from 1296 to 1548, and have to do with portions of land which were given to the church. There is also a transcription of the deeds by Mr. W. H. Guthrie, which is accurately done, though the translation, which is also due to him, shows unfamiliarity with the terms used in the open-field system. Thus *cultura* (plate iv) does not mean 'farmland' but 'a furlong', or, as we should now say, 'a field'; *extendit super* (plates iii and iv) should be rendered 'shoots upon', not 'extends above'; and *iacentes particulariter* should be 'lying in portions', not 'lying particularly'. In plate ii, *Bertam* should probably be *Bertram*, and *libris* (plate i) is a misprint for *liberis*. The volume ends with a facsimile of a detached sheet of accounts by the churchwardens of 1549, which has already been printed in volume v of *Records of Buckinghamshire*. The transcription has a few mistakes: 'Sir Fraunsis' is turned into 'F. Fraunsis', 'mag. Garatt' into 'Sq. Garatt'; in one place *iiii^{xx}* is transcribed *xxiii*, and in another place 90 paving tiles is made into 2,400; 'ye lytle ch . . .' (entry 30) is 'the lyttle chapell' of entry 36, not 'the

little chancel' or 'the little church'. The items are very interesting; the parish having sold part of its church plate, in particular a cross, proceeded to spend the money on repairs to the roads and alterations in the church. The old altars were pulled down and a new 'awter' was made by the carpenter, for which a frontal was provided by cutting portions from two of the copes. A painter was engaged at the high wage of two shillings a day to decorate the church, and he worked for nineteen days at 'wrytynge of oure churche'. The leaf is in bad condition, but when it meets the fate which sooner or later is bound to befall documents that are stored in churches, there will remain this praiseworthy volume to reproduce it.

T.

The Rev. A. T. Bannister's *Herefordshire and its Place in English History* (Hereford: Jakeman & Carver, 1912) consists of six lectures delivered for the Oxford University Extension Delegacy in 1911-12. Mr. Bannister states that it is his intention, at a later date, to expand them into an adequate history of the county of Herefordshire, and we are glad to hear that that is so, since the necessary absence of foot-notes from lectures, printed as they were delivered, does not conceal the writer's research and his mastery of his subject. Herefordshire has, moreover, a history of greater interest than most counties, since the influence of Welsh institutions was stronger here than in any other English shire, and during the middle ages its history is that of the marcher lordships and of the Welsh march. As was natural in popular lectures, and perhaps necessary for the comprehension of his subject, Mr. Bannister does not bind himself strictly to the limits of the county, but gives a general sketch of the history of the Welsh border. He gives moreover an interesting general account of the fortunes of the Mortimers, and of the great part played by that family in English history during the fourteenth and fifteenth centuries. Perhaps the best of the six lectures is the last, which deals with Herefordshire in the civil wars. In his fuller history, which it is to be hoped Mr. Bannister may soon find time to write, he will doubtless touch on some subjects which could not be brought into a course of six lectures. Such are the municipal history of Hereford, the ecclesiastical history of the diocese—although he gives an interesting little sketch of Hereford church-history before the Norman Conquest, later ecclesiastical history could not be properly dealt with in this short course—and the history of the county during the eighteenth and nineteenth centuries. Otherwise there is very little to criticize in this work. Among the points of interest which Mr. Bannister brings out in the course of his history may be mentioned the insistence of the marchers, during the Welsh wars of Edward I, on performing their full amount of military service and more than was due from them, rather than let the king introduce mercenary troops into their territories (p. 64).

H. H. E. C.

An apology is due for our delay in noticing two publications of the Lancashire and Cheshire Record Society, *Lancashire Inquests, Extents, and Feudal Aids*, part ii, A.D. 1310-33 (printed for the Society, 1907), and *Final Concords of the County of Lancaster*, part iv, A.D. 1510-58 (1910).

Both are edited, with his accustomed care, by Dr. William Farrer, but though the dry details of the final concords may occasionally cast a gleam of light upon an outstanding family such as the Strangeways, their interest for historical students is far inferior to that of the earlier volume. The most important documents contained in it are results of the execution and forfeiture of Thomas of Lancaster in 1322, a full extent of the great manor of Manchester, and rentals of the forfeited lands for the years 1322 and 1324. So valuable are they as affording a picture of a backward county rapidly enlarging its area of cultivation, and in a state of transition from servile to generally free tenures, that they ought, as the editor suggests, to be made accessible in the original Latin. The uncritical edition of the Manchester extent in Harland's *Mamecestre* cannot be said to meet this want, and until it is satisfied the student will find Dr. Farrer's translation the most accurate form of the document which is in print. Among other items in an unusually attractive volume of local records, we notice an inquisition *ad quod damnum* with regard to the leper hospital of St. Leonard at Lancaster, which gives interesting details of the life and organization of the house.

J. T.

In *A History of the Parish of Upton-cum-Chalvey* (Slough : Luff, 1913) Mr. R. V. H. Burne traces, in 98 pages, the history of the place, now known as Slough, from the Stone Age to the present time. The author says that his little book is not a complete history and that he has not consulted the ecclesiastical records at Lincoln nor the Pipe Rolls, Close Rolls, Fine Rolls, &c., and it must be stated that he has not always understood the books that he has consulted, such as the *Taxatio* and the *Nonarum Inquisitio*. In the latter he translates *plura alia proficua* 'most of the other *persecua*' (p. 36); *taxata* he renders 'a tax' (p. 36); *redditus assise*, 'assessed rents' (p. 90); in the *Taxatio* he confuses temporals and spirituals, and adding them together he makes the rectory of Upton to be worth 39½ marks, whereas it is clearly stated to be 21½ marks; *deducta porcione*, the well-known phrase of the Taxation, he renders 'a portion having been deducted', and suggests that it was the vicar's portion, although the next entry describes the portion of Elneystow nunnery in the church of Upton. Likewise he misunderstands the *Valor* (p. 90), and assigns to the rectory of Upton all that Merton possessed in the county of Buckingham, including a pension of 6s. 8d. from the church of Whipsnade at the other end of the county (p. 90). And from this he evolves a theory that in former days Whipsnade had been attached to Upton (p. 92). In many ways Mr. Burne shows that though he is no mean historian he has little familiarity with medieval records, and would have done well to ask an antiquarian friend to revise his work. The latter half of the book is interesting and well done, but the extracts from the Upton Court Rolls, which begin in 1649, are disappointing. Are there no entries which show into how many fields the parish was divided, and whether the agricultural course was of two years, three years, or four years? In an appendix is printed a perambulation of the parish taken in 1739. The word on p. 65 which the author reads as *compend*, and connects with *compendere*, is certainly *compendum* in the original. Finally, Mr. Burne should

remember that nothing in Heales's *Records of Merton Priory* should be accepted without verification. U.

The university of Montpellier has been fortunate in the attention it has received from students of university history. Astruc's *Mémoires pour servir à l'Histoire de la Faculté de Médecine de Montpellier* (1767) is one of the best of the old university histories. The university occupies a large place in Germain's *Histoire de la Commune de Montpellier*, where some of its statutes are printed, and there are a number of monographs upon it by the same writer and by others. A large collection of its documents are printed in Fournier's *Statuts et Privilèges des Universités françaises*. The first volume of a magnificent *Cartulaire de l'Université de Montpellier* appeared in 1890, containing the documents down to 1400. The present second volume (Montpellier, 1912) contains: (1) an inventory of the university archives, made in 1583; (2) an inventory of all the archives in the possession of the university; (3) a short 'supplement to vol. i', consisting of a few documents belonging to the period before 1400 which have been discovered since the publication of the first volume. It will be seen that the present volume does not contain many documents *in extenso*, but the introductory notice to the second part prints a curious collection of 'quaestiones' to be discussed in the medical schools. Here are a few of them: (1) 'Uter pastus frugalior esse debeat, prandium an coena?' (The disputant decides in favour of a large supper.) (2) 'An vir foemina calidior?' (The answer is 'man'.) (3) 'An vitalis facultas a naturali diversa?' (The answer is 'non diversa'.) The greater part of the documents relate to property, accounts, and legal proceedings, but there would no doubt be gleanings for an historian of medicine who should have the patience to go through them. H. R.

Professor G. Del Vecchio, of the university of Bologna, sends us a reprint of an article of his published in the *Nuova Antologia* for 1 November 1912, and entitled *Le Valli della morente Italianità, Il 'Ladino' al bivio*. It treats of the decaying Ladin dialect of the Engadine, and is illustrated by several views of that region and portraits of typical inhabitants. Recognizing that Ladin is still only kept alive as a spoken language by the efforts of 'literary societies', the writer pleads that another method of saving it is to assimilate it more and more to modern Italian (it most probably was originally a Lombardic dialect). But the stars seem to be against Signor Del Vecchio, for political and commercial interests bind the Engadine more closely to German-speaking Switzerland than to distant Italian-speaking Ticino. To the Latin-speaking folk Italian is an even more dangerous, and a far more insidious, enemy than German. W. A. B. C.

CORRECTIONS IN THE JULY NUMBER

p. 515, line 4 from foot. By an error, for which the author is not responsible a redundant 'est' was inserted after 'semel'. The text should read, 'semel inbuta est.'

p. 578, line 20. For William Corbett read William Cobbett.

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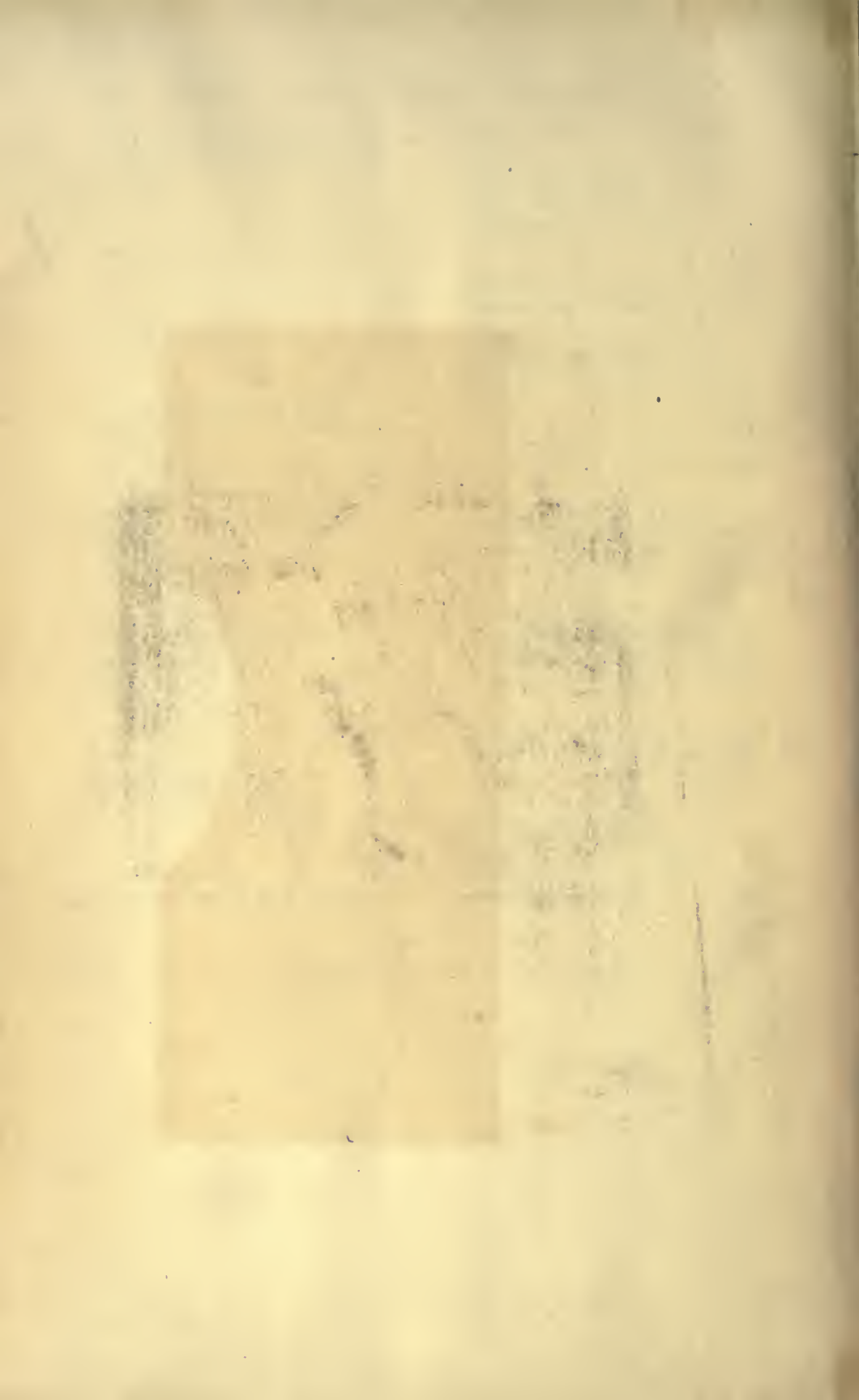
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